



Satyameva Jayate

**Government of Jammu & Kashmir
Department of Rural Development & Panchayati Raj
Civil Secretariat, Jammu/Srinagar**

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Subject:-Initiation of RDA case against Mr Gul Waheed Shah
Panchayat Secretary/VLW Village Budhnambal Block
Kralpora, Kupwara

Reference:O.M.No.GAD(Vig)28-RDA/2014 dated 19-05-2014 from
General Administration Department.

Government Order No.276 JK(RD&PR) of 2022

D a t e d:07.10.2022

Whereas, General Administration Department vide their O.M. No GAD(Vig) 28-RDA/2014 dated 19-5-2014 forwarded a copy of letter No SVO/BK-JSC-2/2012-5927-29 dated 16-4-2014 of Vigilance Organization alongwith connected documents received from State Vigilance Organization (now ACD) against Sh Gul Waheed Shah Panchayat Secretary/VLW Village Budhnambal, Block Development Office Kralpora, district Kupwara for initiation of Regular Departmental Action against the delinquent public Servants, of Rule 30 (i) of J&K Civil Service (Classification Control & Appeal)Rules 1956; and

Whereas, as per communication No. SVO/BK-JSC-2/2012-5927-29 dated 16-4-2014 it reveals that a joint surprise check was conducted into the allegations that Panchayat Secretary/VLW namely Gul Waheed has kept about 250 job cards of village Budhnambal, Block Kralpora, in his custody and despite of the requests by the villagers for their job cards the official did not provide those job cards to the actual beneficiaries and in connivance with Sarpanch/BDO Kralpora and concerned officers/officials of Cooperative Bank have embezzled the government money meant for job card holders/development works. During the year 2011-12, about Rs 25 lacs was shown expenditure against the non-existing works and some minor cosmetic works etc. During Joint Surprise Check conducted on 27-12-2021 no misappropriation of funds on account of execution of developmental works and payments made in favour of job card holders under MGNREGA in Block Kralpora were detected for the period 2011-12. However 96 job cards of village Budhnambal were found lying in the custody of subject without any authorization and in violation of guidelines under MGNREGA Scheme, which tantamount to misconduct; and

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Whereas, vide this Department's letter dated 31-12-2018 forwarded the copies of Draft Article of charges, statement of imputations and gist of evidence received from General Administration Department (Vig) to Director, Rural Development, Kashmir with the request to serve the same to Sh Gul Waheed Shah, Panchayat Secretary/VLW Village Budnambal BDO Kralpora, Kupwara and submit the action taken report to this department within 10 days positively so that General Administration Department (Vig) and Vigilance Organization Department is apprised accordingly; and

Whereas, in response, Director Rural Development Kashmir on repeated request vide communication dated 20-12-2021 has forwarded the reply of the Project Officer Wage Employment (ACD) and VLW concerned for kind perusal and ready reference. The reply furnished by Sh Gul Waheed Shah, Panchayat Secretary to the Article of charges is reproduced as under:-

"It is fact that the undersigned has no authority to retain the job card in light of the standing norms and guidelines of the scheme. However the Panchayat Halqa Budnambal bala and payeen are situated/located as far flung area and remain cut off 4 to 5 months from BHQ during winter season. As your goodself is aware of the fact that the job card issued to the labours/job card holders needs necessary entries of working days of the family. The job card holders were informed to submit their job cards for necessary entries as the undersigned being a Secretary Panchayat of the Halqa it was my primary duty to maintain up to data employment register as well as updation of days with entries (date wise) of every job card holder during the month of December the road connectivity of the hilly and far flung village was cutoff and job card holders themselves submit their job card in the Block headquarter for necessary entries but it was not possible to make entry of every job card holder of the Halqa in one go or in one day as 911 job cards were issued for the Panchayat Halqa's. I being Secretary Panchayat duty bound to maintain the records after ascertaining the action/position (person days) generated and verified from MIS Section. Most of the job cards were returned to job card holders after making necessary entries. However out of 911 only 96 job card holders on the date were in my possession on 27-12-2012 which were purely retained for necessary entry and there was not any malafide intention to retain these pity job cards in my possession as most of the portion (2/3rd quality of job cards) were returned to the job card holders after making necessary entries on their job cards as well as employment register. As there was no internet facility available except Block Headquarters.

As explained above, however, it is humbly submitted that I have performed my duties absolutely while maintaining record of Halqa which is as per the standing norms of MGNREGA. I have followed the rules prescribed in the act and discharged my duties with sincerity. As submitted I would like to submit that I have

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performed my duties to the best satisfaction of general public as well as my superior and in my service carrier I have never brought discredit to services, mislead and misuse of my position. I have already remained at the helm of affairs and performed my duties to the best satisfaction of the General Public. I will cooperate to the enquiry conducted by the department and I will obey any order regarding the subject".

Whereas, the Director RDD Kashmir has reported that the Project Officer Wage Employment (ACD) Kupwara in light of report and recommendations of BDO concerned reveals that the way of working shown by the official after the instant complaint remained satisfactory and the official is performing his duties to the best satisfaction of General public; and

Whereas, in the instant case, the Vigilance Organization (now ACB) intimated that no misappropriation of funds on account of execution of developmental works and payments made in favour of job card holders under MGNREGA in Block Kralpora were detected for the period 2011-12. However, 96 job cards of village Budnambal were found lying in the custody of subject without any authorization and in violation of guidelines under MGNREGA Scheme which tantamount to misconduct, but Sh Gul Waheed Shah Panchayat Secretary/VLW Village Budnambal BDO Kralpora, Kupwara has denied the charges in his reply; and

Whereas, in order to ascertain the actual position in the said RDA case and also in terms of RDA circular instructions issued by the GAD, Mr. Shabir Ahmad Wani, JKAS Assistant Commissioner (Panchayat) Kupwara was appointed as Inquiry Officer vide Government order No 17-RD&PR of 2022 dated 31-1-2022 with the request to inquire into the charges against Sh Gul Waheed Shah, Panchayat Secretary /VLW, Budnambal, Block-Kralpora, Kupwara. However, Block Development Officer, Kralpora has also been appointed as the Presenting Officer in the case who shall present the records of the case to the Inquiry Officer. It has been further ordered that Inquiry Officer may be asked to conclude the inquiry within 15 days and furnish the report to the Government along-with his specific recommendations; and

Whereas, in response, the Assistant Commissioner (Panchayat), Kupwara vide communication No.ACP/K/Enquiry/ Badnamal/385-87 dated 09-04-2022 has stated that the draft article of charges issued to Sh. Gul Wahid, Secretary Panchayat/VLW Village Budnambal regarding retention of 96 job cards of village Budnambal in his custody without any authorization in violation of guidelines under MGNREGA Scheme has been inquired and concluded his report by submitting that:

"Allegation leveled against Gull Waheed Shah, VLW Budinambal, is baseless and seems that he has no malafide intention to retain 96 No.

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of job cards in his possession and all the job cards have been returned to the concerned job card holders after necessary entries. However, as per reports, the Department is satisfied with the working of the official.

Whereas, the Inquiry Officer recommended that lenient view may kindly be taken in favour of the official and the allegation leveled against Shri Gull Waheed Shah, VLW may kindly be dropped; and

Whereas, accordingly in light of the report/findings of the Inquiry Officer has been examined in the department and it has been found that the charges leveled against the said delinquent official may be dropped and impose a penalty of Censure in terms of Rule 30 (i) of J&K Civil Service (Classification, Control & Appeal) Rules, 1956.

Now, therefore, the recommendation of the Inquiry Officer is accepted and the Regular Departmental Action (RDA) against Shri Gul Waheed Shah, VLW is hereby closed with a penalty of censure to the concerned Panchayat Secretary (VLW) in terms of Rule 30 (i) of J&K Civil Service (Classification Control & Appeal)Rules 1956 and strict warning that he shall remain cautious in future while performing his legitimate official duties.

By Order of the Government of Jammu and Kashmir.

Sd/-

(Mandeep Kaur), IAS

Commissioner Secretary to the Government

No. RDDGAZ/165/20212(CC105014)
Copy to the:

Dated: 07.10.2022

1. Joint Secretary (J&K) Ministry of Home Affairs, Government of India, New Delhi.
2. Secretary to the Government, General Administration Department.
3. Director, Information, J&K.
4. Director, Archives, Archeology & Museums, J&K.
5. Director, Anti-Corruption Bureau, J&K, Jammu.
6. Director, Rural Development, Kashmir.
7. Pvt. Secretary to Commissioner/ Secretary to the Government, Department of Rural Development and PR.
8. Concerned official.
9. I/c Website.
10. Government Order file/Monday return file (W.3. S.Cs).

MSM
07-10-2022
(Imtiyaz Ahmad Lone)

Under Secretary to the Government

07-10-22