

Government of Jammu and Kashmir  
Office of the Financial Commissioner, (Revenue) J&K, Jammu.

Subject: Representation of Sh. Showkat Hussain, I/c Naib Tehsildar, in compliance with the orders of Hon'ble High Court passed in WP(C)3971, CM No. 8250/2019 and CM No. 8363/2019 in WP (C) No. 3991.

ORDER No. <sup>343</sup> OF FC (Revenue)  
Dated: 02.12.2019

Whereas, Sh. Showkat Hussain, Incharge Naib Tehsildar, was transferred from R.S.Pura to the office of Regional Director Survey & Land Records, Udhampur vide this office Order No. FC(A) 87 of 2019 dated 08.3.2019.

Whereas, vide this office Order No. FC(A) 250 of 2019 dated 04.9.2019 the official was transferred from the office of Regional Director, Survey & Land Records, Udhampur and posted as I/c Naib Tehsildars Chakrohi, R.S.Pura.

Whereas, while considering his regularization case in the State Level Departmental Promotion Committee which was held on 14.10.2019, was deferred with the directions that he may be transferred from sensitive posting as per the report communicated by the General Administrative Department (Vigilance) vide letter No. GAD(Vig)13-NOC.2018-Rev-II dated 03.12.2018, which reads as under:-

*"Sh. Showkat Hussain I/c NT S/o Syed Rasool R/o Shajroo, Tehsil Mahore, District Reasi stands convicted in case FIR No. 19/2003 P/S VOJ by Additional Session Judge, Anti Corruption Bureau, Jammu vide Judgment dated 18.11.2011 and has been awarded sentence to undergo rigorous imprisonment of two years each u/s 161 RPC and 5(2) PC Act. Reportedly, the subject has filed an appeal against the impugned Judgment and his sentence to undergo imprisonment has been suspended by the Hon'ble High Court. However, he continues to be convicted/offender as long as judgment of trial court is not set aside.*

Whereas on the basis of this report he was transferred from Niabat Chakrohi, R.S.Pura and posted as Assistant Revenue Attorney in the office of Divisional Commissioner, Jammu vide this office order No. FC(A)305 of 2019 dated 21.10.2019.

Whereas, the official challenged the said order in the Hon'ble High Court vide No. WP(C)3971, CM No. 8250/2019 and CM No. 8363/2019 in WP (C) No. 3971 and the Hon'ble High Court passed the order dated 25.10.2019 and 31.10.2019 respectively which reads as under:-

**Order dated 25.10.2019**

"Accordingly, this petition is disposed of, with a direction to the petitioner to file a detailed representation before the competent authority till 02.11.2019. Till 06.11.2019 statusquo as it exists today with respect to the petitioner shall be maintained and the respondents –authorities shall take a decision on the representation to be filed by the petitioner by 06.11.2019. It is made clear that if the petitioner fails



to approach the respondents-authorities, the above said ad interim granted in his favour shall be deemed to be treated as not granted/non-est."

**Order dated 31.10.2019**

*"In view of the averments made in the application, I deem it proper to extend the time for filing the representation. Accordingly, the petitioner is allowed to file the representation by or before 06.11.2019. Thereafter, the concerned authority shall take a decision on the representation, if filed on or before 18.11.2019. Till then status quo shall exist. The order dated 25.10.2019 is accordingly modified and the application is disposed of."*

Whereas, in pursuance of the above orders of the Hon'ble High Court, the petitioner Sh. Showkat Hussain, I/c Naib Tehsildar has filed a detailed representation on 06.11.2019 with the request that the appeal filed by him is sure to succeed as petitioner has not committed any wrong and was falsely and frivolously implicated in a criminal case without any just purpose or reason and the transfer order dated 21.10.2019 may be cancelled and he be allowed to continue his service as Incharge Naib Tehsildar Chakrohi, R.S.Pura, Jammu.

Whereas, the representation of the petitioner namely Sh. Showkat Hussain, I/c Naib Tehsildar, has been examined on the touchstone of the decision/verdict of the trial court read with the reported suspension of the sentence by the appellate court, it has been observed that the sentence awarded by the trial court has neither been set aside as yet nor he has been acquitted from the charges.

In the above backdrop, it would not be justifiable to post/retain the official on sensitive positing, as such, the representation of the official has no merit and is rejected with the direction to join his new place of posting (non-sensitive) as Assistant Revenue Attorney with Divisional Commissioner, Jammu.


Sd/-  
(Dr. Pawan Kotwal), IAS  
Financial Commissioner (Rev), J&K.

NO: FCR/writ/3218/19

Dated 02-12-2019.

Copy to:-

1. Secretary to Govt. Revenue Department, J&K, Jammu.
2. Divisional Commissioner, Jammu.
3. Deputy Commissioner, Jammu.
4. Tehsildar R.S.Pura District Jammu for information and necessary action.
5. Concerned for immediate Compliance.
6. Office order file.
- ✓ 7. I/c Official Website.

  
(N.A. Baba), KAS  
Additional Commissioner (C) with FCR  
for 2/12