



Government of Jammu and Kashmir
Office of the Financial Commissioner, (Revenue) J&K
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(May to October Srinagar)/ (November to April Jammu)
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Subject: Initiation of Regular Departmental Action against Mr. Farooq Ahmad Mirza, the then Naib Tehsildar, and Mr. Daya Ram, the then Girdawar, and Mr. Mahesh Singh, the then Patwari of District Jammu.

Order No. FC (Coord) 188 of 2019
Dated: - 14 06 - 2019

Whereas, a complaint dated 06-03-2015 was lodged before Divisional Commissioner Jammu by Smt. Kailash Rani W/o late Shri Som Raj R/O W.No.1R.S. Pura against Mr. Farooq Ahmad Mirza, the then Naib Tehsildar, Mr. Daya Ram, the then Girdawar, and Mr. Mahesh Singh, the then Patwari, regarding encroachment of the land allotted, at village chak, Mohd. yar, Tehsil R.S. Pura, to her husband; and

Whereas, the said complaint was forwarded to the, Dy. Commissioner, Jammu as well as to Provincial Rehabilitation Officer, Jammu, vide letter No. 502/Misc/Jammu/LR/829-30 dated 23-06-2015 with a copy endorsed to vigilance organization for report; and

Whereas, during verification of the complaint, it was found that Mohinder Pal Singh S/O Ch. Amar Singh had managed occupancy rights on the allotted land of Som Raj S/O Lakshmi Dass by getting mutation No. 491 attested under section 3-A of Agrarian Reforms Act, 1976, and the said land after attestation of mutation No. 491 was illegally transferred in favour of Smt. Vaishno Devi w/o Rashpal Singh; and

Whereas, the matter was taken up with the Custodian, Jammu, who vide letter No.PRO/2015-16/426 dated 06-11-2015 conveyed that neither the aforesaid allotment of Som Raj was cancelled nor the land in question was ever allotted to Mohinder Pal Singh S/O Ch. Amar Singh Jat R/O R.S. Pura; and

Whereas, on the basis of reports of various field agencies, the Divisional Commissioner, Jammu, conducted an enquiry and furnished his findings to the Deputy Commissioner, Jammu, vide letter dated 07-12-2015 for initiating proceedings for cancellation of mutation order No. 491 of village Chak Mohd.yar, Tehsil R.S. Pura, attested illegally in favour of Mohinder Pal Singh S/O Amar Singh Jat R/O R.S. Pura, Ward No. 1, with a copy to the SSP, Crime/ Vigilance, Jammu; and

Whereas, subsequently, the Vigilance Organization which also took cognizance of the matter, examined the complaint and submitted its finding to the General Administration Department vide letter No. Vo-Veri-Jmu-09/2016-6465-67 dated 03-04-2017 with a copy to the Revenue Department; and

Whereas, vide OM No. GAD(Vig) 44-RDA/2017 dated 20-06-2017, the General Administration Department, vide Government Order No. 189-Rev (Vig) of 2-017 dated 01-08-2017 appointed Mrs. Anu Radha Rani (KAS), Additional Commissioner, in the office of Divisional Commissioner, Jammu, as enquiry Officer to enquire into the matter and submit finding/ recommendation to the Government; and

Whereas, pursuant to the above Government Order dated 01-08-2017, the enquiry was initiated into the allegations levelled against Mr. Farooq Ahmad Mirza, the then Naib Tehsildar, Mr. Daya Ram, the then Girdawar and Mr. Mahesh Singh, the then Patwari, who allegedly conducted the Settlement in the year 2013-14; and the inquiry officer submitted her report to the Revenue Department vide letter No PS/Adcom/2018-19/75 dated 15-12-2018, an excerpt of which is reproduced as under:-

"After pursuing the revenue record including Record of Right (ROR), record received from Provincial Rehabilitation Officer, Jammu vide No. PRO/2015-16/429 dated 6.11.2015 and statement of the then Field staff as well as the statement of

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14/6/2019

Sh. Mohinder Paul Singh (accused), it has been found the involvement of then Tehsildar Abdul Gani Malik and Fareed Ahmed the then Patwari Halqa (both dead now) in wrongly attestation of Mutation No. 491. Copies of the revenue record, reply to show cause notice and the statement of the officials involved and the accused are enclosed herewith and collectively marked as Annexure H.

In view of the above, it has been observed that the allegations leveled against the officials referred to hereinabove have not been proved by any specific omissions/commissions while preparing and depositing the Record of Right (ROR) of the said village in the year 2013-14 as the mutation No. 491 has not been challenged before any competent authority till date.

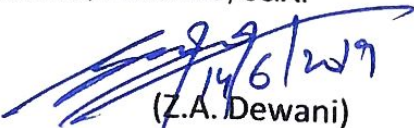
It is, therefore, recommended that the proceeding against sh. Farooq Mirza the then Naib Tehsildar, Sh. Daya Ram, the then Girdawar (Now retired) and Sh. Mahesh Singh the then Patwari are required to be dropped and exonerated from the charges"

Whereas, the Revenue Department vide communication No. Rev/Vig/103/2017 (RDA) dated 28-02-2019 forwarded a copy of communication No. PS/Adcom/2018-1975 dated 15-12-2018 received from Ms. Anu Radha Rani, KAS Additional Commissioner, Jammu (Inquiry Officer) to this office for taking further action in the matter as per the J&K Civil Services (Classification, Control and Appeal) Rules 1956 being the cadre controlling authority of Non-gazetted officials; and the enquiry Officer has observed as under:-

Whereas, the inquiry report was examined in this Office and it has been found that one Som Raj, the husband of the complainant, Kailash Rani, who was a refugee of 1947 and was allotted land measuring 27 Kanals 12 Marlas comprising Khasra Nos 797, 798, 799, 802 and 844 of village Chak Mohd. yar, Tehsil R.S. Pura. The complainant who was in care and custody of the land allotted to her husband sold the same to one Mohinder Paul Singh in Consideration of a sum Rs. 4.00 Lacs and the latter managed an entry in his favour through attestation of mutation No. 491 attested u/s 3-A of the Agrarian Reforms Act 1976, showing him as occupancy tenant of the said land. The complainant ought to have challenged the said mutation before the competent authority which she has not done so far. The revenue Officials against whom the complaint has been lodged were not posted in the village at the time of attestation of mutation and as such cannot be held guilty as alleged by the complainant.

Now, therefore, in view of the above facts and circumstances of the case, S/Shri Farooq Ahmad Mirza the then Naib Tehsildar, Daya Ram, the then Girdawar (Now retired) and Mahesh Singh, the then Patwari, are hereby exonerated from the charges leveled against them by the complainant. The Divisional Commissioner, Jammu, is also directed to examine the legality of mutation No. 491 referred to hereinabove and take further steps by exercising su-moto revisional powers.

By order of the Financial Commissioner, Revenue, J&K.


(Z.A. Dewani)
Administrative Officer (R)
with Financial Commissioner, Revenue
J&K, Srinagar

Dated: 14 -06-2019.

No.FC(Coord-Vij)88/2019

Copy to the:-

- ✓ 1. Commissioner/Secretary to Govt. Revenue Department.
2. Divisional Commissioner, Jammu.
3. Deputy Commissioner, Jammu.
4. Concerned, for information (through website).
5. Incharge website, for information.
6. Order file / Concerned file.