



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

Rail Head Complex Jammu, 180001 [Nov-April] / Amar Niwas, Tankipora Srinagar, 190001 [May-Oct]  
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Subject: Initiation of Regular Departmental Action [RDA] against Mr. Rajesh Kumar Thakur, the then Naib Tehsildar Thathri, Doda (presently attached in the office of Div.Com Jammu) and Mr. Parvez Ahmad, the then Patwari Jangalwar (presently Patwari Halqa Akalpur, Jammu).

Reference: Administrative Department No.Rev/Vig/74/2017 dated 30.09.2019.

Order No. - 33 -FC Revenue of 2020  
Dated: -03- 02- 2020

Whereas, the Administrative Department vide No.Rev/Vig/74/2017 dated: 30.09.2019 forwarded the case of initiation of RDA against Mr. Rajesh Kumar Thakur, the then Naib Tehsildar Thathri, Doda (presently attached in the office of Div.Com Jammu) and Mr. Parvez Ahmad, the then Patwari Jangalwar (presently Patwari Halqa I&FC Div. Baderwah), alongwith documents for taking necessary action as per J&K CCA Rules being the cadre controlling authority of non-gazetted officials.

Whereas, on examining the RDA case, it transpires that the case is pertaining to PH Jangalwar, Tehsil Thathri, District Doda for facilitating the entry in Khasra No.516, for false Dasti Khakas of Shamilat Deh under J&K State Lands (Vesting of Ownership to the Occupants) Act, 2001(called Roshni Act). The Addl. Deputy Commissioner /DVO Doda has made the enquiry in the case and submitted the report vide his letter No.DVO/D/Vigilance/ 2016/938-40 dated 08.12.2016 to State Vigilance Commission with copy to Revenue Department, recommending that:-

1. The file under Roshni Act processed illegally in back date in f/o Mr. Mansoor Ahmad S/o: Ghulam Hassan Butt R/o Thathri (dispatched in year 2011 and received in the year 2014) needs to be rejected and strict disciplinary action against the following erring officials needs to be taken.
2. Mohammad Amin Zargar S/o: Saif Din Zargar R/o Lopa Thathri who remained posted as Patwari and Girdawar [now retired] in Thathri [Jangalwar] for processing Roshni file & making entry in back date.
3. Mohammad Amin Qazi S/o Najjum-ud-Din R/o Hidyat Chowk Kishtwar retired as Naib Tehsildar in the year 2011 for signing the documents in back date.
4. Pervaiz Ahmad S/o Atta Mohd Zargar R/o Thathri the then Patwari Jangalwar and Thathri A/p Patwari Halqa Akalpur Jammu, who's involvement cannot be ruled out though he stated that all the process of Roshni file has been done before his posting but the copy of Khasra Girdawari prepared and issued by him on 12.09.2014, which is found in instant Roshni file.
5. Rajesh Kumar Thakur the then Naib Tehsildar Thathri, now Tehsildar Nagrota Jammu for authenticating the revenue documents/Dasti map contrary to the ground position and attesting mutation No.992 and No.993 of village Thathri without adhering the norms.
6. Mansoor Ahmad S/o Gh. Hassan Butt R/o Thathri who is a contractor by profession for managing entries in revenue record/ despite knowing the said state land does not qualify under Roshni Act.
7. Both the mutation Nos.992 and 993 of revenue village Thathri for khasra No.516 measuring 19 marlas Shamilat Deh /State land needs to be set aside.

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31/07/2020

Whereas, the Anti-Corruption Bureau[ACB] has registered a case FIR No.01/2019 P/S ACB Doda on 01.02.2019, and referred the matter to Revenue Department vide letter No.ACB-FIR-01/2019-Doda-2528-29 dated: 08.02.2019 for initiation of action under J&K Govt. Employees Conduct Rules, 1971 and J&K CCA Rules, 1956 against the accused public servants. The Revenue Department has issued and served the Article of Charges [AoC]through Divisional Commissioner, Jammu vide OM No.Rev/Vig/74/2017 dated: 25.03.2019to the serving public servants namely Mr. Rajesh Kumar Thakur,[then Naib Tehsildar] and Mr. Parveiz Ahmad, [the then Patwari Jangalwar].

Whereas, it is to mention here that the case involves four [4] government officials and one [1] private person. The ACB has recommended action in respect of government officials only. Out of these, two [2] officials are reported to have already retired and the remaining two serving officials are; Mr. Pervaiz Ahmad, then Patwari Jangalwar and Mr. Rajesh Kumar Thakur, then NT Thathri, against whom Article of Charge has been served.

Whereas, both these officials have filed their response dated: 08.05.2019 by Mr. Rajesh Kumar Thakur, then NT Thathri [now I/c Tehsildar attached in Div.Com Office Jammu] and dated: 03.06.2019 by Mr. Pervaiz Ahmad Zargar, then Patwari Jangalwar [now Patwari, I&FC Division Baderwah] to the Revenue Department, which have been forwarded vide letter dated: 30.09.2019 to this office for disciplinary action.

Whereas, the then Naib Tehsildar Mr. Rajesh Kumar Thakur has in his response stated that he was not required to visit the spot before authentication of the revenue extract as per J&K State Lands (Vesting of Ownership to the occupants) Act, 2001 and has shifted the responsibility to then Patwari. The said response on examination has been found in contravention to Section-5(2)(d) of J&K State Lands (Vesting of Ownership to the occupants) Act, 2001 and an attempt to evade from the punitive action under rules.

Whereas, Mr. Pervaiz Ahmad, the then Patwari Jangalwar, has agreed to have issued the Revenue document on the basis of records, [received from predecessors], on 12.09.2014 to the applicant Mr. Mansoor Ahmad only for his perusal and had no concern with the Roshni file. The said response on examination it has been observed that the matter has got highlighted through a complaint dated 19.03.2015 i.e. just after one day the Patwari was relieved to Jammu District on posting. As per the enquiry report, the Patwari has processed the revenue documents for 19-marlas of Shamilat Deh under Khasra No.516, for facilitating Mr. Mansoor Ahmad for Sale purpose by issuing false Dasti Khakas [map mismatching the ground position] where only 10½ marlas land exists, which too is steep Nallah bank and where no bifurcation under Khasra No.516 exists in the revenue record/map regarding Shamilat Deh as well as State land.

Whereas, it is to mention here that even though "The Jammu and Kashmir (Vesting of Ownership to the occupants) Act, 2001" has been now repealed vide Governor Act No.XXXII of 2018 dated: 07.12.2018, but the omission/commission on the part of the delinquent officials is not protected by the saving clause under para 3<sup>rd</sup> of Section-4 -Savings, which is reproduced for reference as under:-

31/01/2020

*"nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognized or derived by, in or from any enactment hereby repealed;..."*

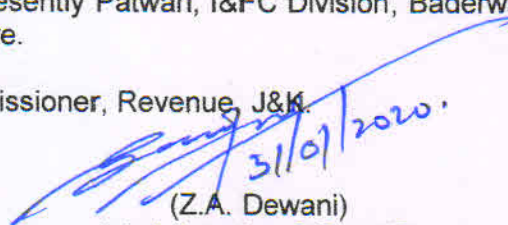
Whereas, the above responses/replies to the AoC, was examined, considered in light of "The J&K State Lands (Vesting of Ownership to the Occupants) Act, 2001"[also called Roshi Act] read with "The J&K State Lands (Vesting of Ownership to the Occupants) (Repeal and Savings) Act, 2018, J&K Government Employees Conduct Rules, 1971, and J&K Classification Control and Appeal Rules-1956.

Now, therefore, in view of the above facts and circumstances of the case, since the Regular Departmental Action procedure has already been taken in the matter by the competent authority viz; Revenue Department, on the basis of recommendations of the J&K Anti-Corruption Bureau, against the delinquent officials, namely; Mr. Rajesh Kumar Thakur [then Naib Tehsildar], and Mr. Parvaiz Ahmad, [the then Patwari Jangalwar], the case is accordingly disposed of with following orders:-

1. The Deputy Commissioner, Doda will, on ascertaining the status of two mutations Nos.992 and 993 of revenue village Thathri for Khasra No.516 showing 19 marlas Shamlat Deh /State land, review the said file for disposal of the case by setting aside the mutations in light of findings of the ACB dated: 08.02.2019.
2. "Withholding of promotion" of Mr. Rajesh Kumar Thakur, the then Naib Tehsildar Thathri [presently attached with Div.Com Office Jammu], with directions to improve his performance by strict adherence to the standing laws / instructions.
3. "Withholding of promotion" of Mr. Pervaiz Ahmad S/o Atta Mohammad Zargar R/o Thathri the then Patwari Jangalwar [presently Patwari, I&FC Division, Baderwah] with directions to remain careful in future.

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



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

No.FC(Coord-Vig)121/2019

Dated: 03-01-2020.

Copy to the:-

1. Principal Secretary to Govt., Revenue Department, J&K, Jammu.
2. Divisional Commissioner, Jammu.
3. Secretary to Government, General Admn. Deptt., J&K, Jammu.
4. Chief Engineer, Irrigation & Flood Control Department, Jammu.
5. Deputy Commissioner, Doda.
6. Executive Engineer, Irrigation & Flood Control Department, Baderwah.
7. Concerned, for information (through website).
8. Incharge website, for necessary action.
9. Order file
10. Concerned file.