



Government of Union territory of Jammu & Kashmir
Office of the Financial Commissioner (Revenue)

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Subject:- Regular Departmental Action (RDA) against Sh. Fida Hussain, then Patwari, Patwar Halqa Top Sherkhania, District Jammu (Verification No. JMU-109/2016).

Order No. 623-FC (Rev) of 2024

Dated:- 24.01.2024

1. Whereas, Revenue Department vide communication No. Rev/Vig/12/2018 dated 02.02.2018 has forwarded a copy of O.M. No. GAD (Vig) 158 RDA/2017 dated 03.1.2018 along with the communication No. VO-Veri-JMU-109/2016-18377-78 dated 14.11.2017 with the direction to initiate Regular Departmental Action (RDA) against the then Patwari, halqa Top Sherkhania, District Jammu Sh. Fida Hussain for issuing a *Fard in* casual manner and preparing a *Dasti Khaka* without ascertaining the exact location on the map; and
2. Whereas, after examining the issue vide this office communication dated 21.08.2018, the matter was forwarded to Divisional Commissioner Jammu, Memorandum dated 22.11.2019 along with Articles of charges, Statement of Imputation and Gist of Evidences were served upon Mr. Fida Hussain with the following charges:-
 - i. *During the year 2007-08, Patwari Fida Hussain had issued Fard No. NTJ/716 dated 10.07.2008, in a casual manner and prepared Dasti Khaka without ascertaining the exact location on the Revenue map.*
 - ii. *During spot inspection, it has been reported by the Patwari concerned that the plot measuring 8.5 M, has been found matched physically during demarcation with the FARD No. 188/PH dated 12.05.2014, whereas plot measuring 11 M whose FARD attached with the Dasti Khaka could not be found/ traced as per the specifications of Dasti Khaka.*


21.01.2024

3. Whereas, the charged official furnished his reply which was examined by the Deputy Commissioner, Jammu and the reply was not satisfactory, the Deputy Commissioner, Jammu vide order No. DCJ (Adm) 31 of 2023 dated 24.02.2023, appointed Assistant Commissioner Revenue, Jammu as Inquiry Officer and Tehsildar Jammu as Presenting Officer in the case; and
4. Whereas, the Inquiry Officer vide his letter No. DCJ/Rdr/2023-24/134 dated 16.09.2023, has furnished the enquiry report which is reproduced as under:-
- a.** *Fard-Intkhab and revenue extracts are to be issued by the concerned Patwari u/s 34 of J&K Land Revenue Rules 1969, wherein no DastiKhaka shall be allowed, the Patwari shall prepare the TatimaShajra strictly from the AksLatha / Massivi of the village concerned and in the event of any AksLatha or Massivi being not available he shall prepare the map of land on the basis of filed book verified it on spot and issue the extract of the same in correct manner with dimensions (Karu-Kans) of the filed so that the complications are avoided and chance of double sale of the same land are checked. It is also relevant to mention that Fard No. 188/PH dated: 12.02.2014 of land was issued in the year 2014 with proper TatimaShajra. If it can be done in 2014 with same AksLatha, there is no reason to believe that Fard cannot be issued in 2008 with proper TatimaShajra.*
- b.** *In nutshell, it shows a major lapse on the part of the delinquent official as a Fard has been issued in violation of instructions laid down under sections 34 of J&K Land Revenue Rules 1969 by way of DastiKhakha, and not "TatimaShajra" thereby creating a situation where this piece of land is untraceable on ground and led to the dispute between two different parties. Hence, Sh. Fida Hussain, the then Patwari P/H Toph Sherkhania, presently (Retd.) has been found guilty of the charges leveled against him in the served Article of charges.*

Accordingly, the Inquiry Officer in the case found the official guilty of charges leveled against him. The Deputy Commissioner, Jammu has recommended that a major penalty be imposed on the

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delinquent official, which has been endorsed by the Divisional Commissioner, Jammu.

5. Whereas, the enquiry report submitted by the Inquiry Officer has been examined in the department and it has been observed that:-
 - I. Report of the Enquiry Officer has clearly brought out that the charged official has issued a Fard in a casual manner.
 - II. The fard No. 188/PH dated 12.02.2014 of the land was issued in the year 2014 ,with proper Tatima Shajra too. If it could be done in 2014, with same Aks Latha, there is no reason to believe that Fard cannot be issued in 2008, with proper Tatima Shajra.
 - III. The Official has issued Fard in violation of instructions laid down under section 34 of J&K Land Revenue Rules 1969 , by way of Dasti Khaka, and not "Tatima Shajra" thereby causing a situation where the piece of land in question was not traceable on ground which resulted in conflict between two different parties.
 - IV. The recommendations made by the Deputy Commissioner, Jammu and its subsequent endorsement by Divisional Commissioner, Jammu,are based on the detailed enquiry and due opportunity of being heard has been given to the official.
 - V. The charges thus stand proved against the official.
6. Whereas, the matter has been placed before the Competent Authority who, upon consideration of all relevant aspects and also the ameliorating factum of his retirement, has held the charged officer guilty of misconduct, as charged and decided to impose penalty of withholding of three increments with cumulative effect and reduction in pension thereupon, in terms of Rule 30 of J&K Civil Services (Classification, Control and Appeal) Rules, 1956; and
7. Now, therefore, in terms of Rule 30 of J&K Civil Services (Classification Control and Appeal) Rules, 1956, the following penalty is imposed upon the charged official namely, Sh. Fida Hussain, the then Patwari, Patwar Halqa Toph Sherkhania:


24-01-2024

"Withholding of three increments with cumulative effect and with reduction in pension thereupon."

By order of the Financial Commissioner (Revenue) J&K.


Sd/-
(Shaleen Kabra) IAS
**Financial Commissioner (Revenue)
J&K.**

No: FCR/Cord/314/2021(52787)

Dated: 24.01.2024

Copy to the :-

1. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
2. Principal Accountant General, J&K.
3. Joint Secretary (J&K) Ministry of Home Affairs, Government of India, New Delhi.
4. Commissioner / Secretary to the Government, General Administration Department.
5. Secretary to the Government, Revenue Department, J&K.
6. Divisional Commissioner, Jammu.
7. Director Anti-Corruption Bureau ,J&K
8. Director Archives, Archaeology and Museums, J&K.
9. Deputy Commissioner, Jammu who shall ensure that the necessary effect is carried out in the pension and any other dues, in accordance with this order.
10. OSD with Advisor (B) to Hon'ble Lieutenant Governor.
11. PA to FCR for the information of Worthy Financial Commissioner Revenue J&K.
12. Concerned.
13. Incharge website.
14. Office order file.


(Pawan Kotwal) JKAS
Administrative Officer
with Financial Commissioner (Revenue)
J&K