

Subject:- Misappropriation of funds in School Education Department, Zone Marwah and Death of Mr. Nazir Ahmad Farash Ex-ZEO Dangerpora District Baramulla during suspension and release of pensionary benefits regarding.

Government order No. 266-JK(EDU) of 2024

Dated:- 15-07-2024

WHEREAS, on 10.12.2013 a news regarding embezzlement/ misappropriation of SSA funds in Zone Dangerpora of District Baramulla, was published in newspaper and subsequently a preliminary inquiry was got conducted through Chief Education Officer, Baramulla which revealed misappropriation of SSA funds in Zone Dangerpora Baramulla;

AND WHEREAS, after receiving inputs from the enquiry officer about the instant case the involved officers/ officials namely:

01. *Mr Bashir Ahmad Mir, Principal HSS Dangerpora*
02. *Mr Mohammad Shafi, Ex-ZEO Dangerpora*
03. *Mr Ali Mohd Mushki, Head Teacher, MS Rajpora*
04. *Mr. Mehraj-ud-din Shawl, ZEPO Dangerpora,*
05. *Shri. Showkat Ahmad Wani, Head Teacher, MS Segipora*
06. *Shri Ghulam Rasool Najar, Head Teacher, MS Edipora*
07. *Shri Zahoor Ahmad Shah, Ex Teacher MS Yemberzalwari and*

08. *Mtr. Rifat Ara, Jr. Assistant, ZEO Dangerpora*, were placed under suspension by the Director School Education, Kashmir and attached in the office of the Chief Education Officer, Baramulla;

AND WHEREAS, an inquiry was conducted at the Directorate level through a Committee comprising of Chief Accounts Officer, OSD(IMW) & OSD (CEW) of Directorate of School Education Kashmir, which revealed misappropriation of the funds to the tune of Rs. 93,55,808 under SSA for construction of school buildings at MS Yemberzalwari, MS Edipora and MS Sagipora during the financial year 2010-11 and 2011-12 and 2012-13;

AND WHEREAS, the report was examined and accordingly vide Letter No. Edu/Plan/SE/894/2013-14, dated 15.12.2016, the department decided to proceed against the delinquent officers/officials in terms of Jammu and Kashmir Civil Services (Classification, Control & Appeal) Rules 1956 and further directed to place all the officers/officials who were involved in the case under suspension and a fresh inquiry to inquire into the role of I/c Headmasters, Accountants, Cashiers/ Dealing Assistants misappropriation of SSA funds for school buildings in Education Zone Dangerpora, Baramulla be instituted. Accordingly, all the delinquent officers/officials involved were charge sheeted by Administrative Department vide letter No. Edu/Plan-SE/894/2013-14, dated 27.12.2016;

were examined in the Administrative Department and vide Government Order No.169-Edu of 2017, dated 31.03.2017 Mr. Abid Hussain, KAS, Joint Director (South) Kashmir was appointed as Inquiry Officer and Sh. Sanjay Pandita, the then Under Secretary to the Government, School Education Department was appointed as a presenting officer;

AND WHEREAS, the Inquiry Officer submitted enquiry report vide communication No. DSEK/IMW/Enquiry-Adm/1790, dated 14.08.2017 to the Administrative Department. Accordingly, vide letter dated: 09.07.2018, the Director School Education, Kashmir was requested for taking further action under J&K Employees Conduct Rules 1971 and Jammu and Kashmir Civil Services (Conduct, Classification and Appeal) Rules 1956 against the officers/officials found involved in the embezzlement of funds;

AND WHEREAS, the Director School Education Edu-HRM/88/2021-01-SCHOOL EDUCATION DEPARTMENT I/425675/2024 Kashmir vide Order No. 302-DSEK of 2020, dated 17.08.2020 terminated the services of Ms. Rifat Rashid (Ara), Jr. Assistant of Zone Dangerpora;

AND WHEREAS, in the meantime, the General Administration Department vide Government Order No. 38-JK-GAD (Vig) of 2021, dated 08.07.2021 in pursuance of Section 6 of the Prevention of Corruption Act, Samvat, 2006, accorded sanction to the prosecution of accused in-service public servants namely;

- (01) *Bashir Ahmad Mir S/o. Late Abdul Rehman Mir R/o.Limber, Boniyar, Uri, the then I/c Zonal Education Officer, Dangerpora Sopore*
- (02) *Mohammad Shafi Wani S/o.Mohammad Sarwar Wani R/o. Braripora Banakote, Bandipora, the then I/c Zonal Education Officer, Dangerpora Sopore*
- (03) *Zahoor Ahmad Shah alias Gilani alias Peer S/o Syed Mohammad Yousuf Shah R/o. Hardushiva Sopore A/P Model Town Sopore, the then I/c Headmaster Government Middle School, Yemberzalwari Bala and*
- (04) *Rifat Ara D/o Abdul Rashid Baba R/o Mohalla Sheikh Sahib Chinkipora, Sopore the then Junior Assistant (SSA Clerk), Zonal Education Office Dangerpora, Sopore for commission of offenses punishable U/S 5 (1) (c) (d) r/w 5 (2) of the Prevention of Corruption Act, Samvat, 2006 and Sections 109, 120-B, 409, 467, 468, 471, RPC in case FIR No. 27/2015 P/S VOK (now ACB).*

Further vide O.M No. GAD-VIG0SP/5/2021-02-GAD, dated 08.07.2021 General Administration Department requested this Department to:-

- i. *Initiate simultaneous Regular Departmental Action (RDA) against the above named accused public servants in terms of provisions contained in Jammu and Kashmir Civil Services (Classification, Control & Appeal) Rules, 1956 and circular instructions notified vide Circular No. 49-GAD of 2018 dated 12.12.2018 r/w Circular No. 06-JK(GAD) of 2020 dated 03.02.2020, which*

clearly stated within stipulated time period of three (03) months without fail. (The relevant records, if any, required in the case can be sought from ACB directly).

- ii. Place the accused public servants under suspension, immediately, pending inquiry, if not already suspended. The Action Taken Report be shared with General Administration Department on priority basis.

AND WHEREAS, the General Administration Department has conveyed that during the course of investigation, it emerged that in the month of June 2013, Sh. Nazir Ahmad Farash took over the charge as Zonal Education Officer, Dangerpora Sopore, District Baramulla and came to know about the embezzlement, who informed his senior formations about the same and due to the personal efforts of the said officer, an amount of Rs. 24,49,775/- had been recovered from the accused Zahoor Ahmad Shah, Rifat Ara and Mehraj ud Din Shawl out of the released amount of Rs. 70,71,414/- besides an amount of Rs. 22,49,775/- has been initially credited into official account of the Headmaster, Government Middle School Yamberzalwari Bala, maintained in J&K Bank, Branch Tujjar Sharief Sopore;

AND WHEREAS, Nazir Ahmad Farash I/C ZEO was attached with the Director of School Education, Kashmir vide Government Order No. 199-Edu of 2015, dated:- 24-04-2015 and placed under suspension pending inquiry;

AND WHEREAS, Mr Nazir Ahmad Farash retired on superannuation on 28-02-2022 during Suspension. He expired on 28-10-2022 during his period of suspension he was drawing substances allowances on the available post of various Zonal Educational Offices.

AND WHEREAS, The Director School Education, Kashmir vide letter dated 29-06-2022 submitted the complete details of the case as well as factual position to the Administrative Department vide this Departments letter dated:- 27/02/2023 Director School Education, Kashmir was advised to ensure recovery of the remaining amount from the delinquent officer/officials and also furnish the original treasury vouchers to the department;

AND WHEREAS, Mtr Shagufta Parveen W/o Late Nazir Ahmad Farash submitted a representation to the Director School Education, Kashmir with the request to disburse the pensionary benefits of the retired/deceased officer to the family who is suffering economically;

AND WHEREAS, the Director School Education Kashmir vide letter dated 21.12.23 recommended to consider the case of the deceased Incharge Zonal Education Officer, namely Nazir Ahmad Farash, who died during suspension and was not drawing Provisional Pension, in terms of Article 108-B of the J&K CSR Volume 1, which provides as follows:-

"Notwithstanding anything contained in sub-rule (B)(i) and (ii) above where a Government servant under suspension dies before disciplinary or court proceeding instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all

File No. Edu-HRM/88/2021-01-SCHOOL EDUCATION DEPARTMENT (Computer No. 39036)
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purposes and his beneficiaries shall be paid full pay and allowances for that period to which he would have been entitled had he not been suspended, subject to adjustment in respect of subsistence allowance already paid"

AND WHEREAS, during the course of enquiry it has come to fore that no amount is outstanding, which can be attributed to Mr. Nazir Ahmad farash during his tenure as I/c ZEO Dangerpora;

AND WHEREAS, it is settled principle of law that disciplinary proceedings abate with the death of the employee;

NOW THEREFORE, in view of the above facts & in terms of Article 108-B of the J&K CSR Volume I and on the recommendations of Director School Education Kashmir, the proceedings instituted against Sh. Nazir Ahmad Farash (deceased), the then I/C ZEO, Dangerpora, Baramulla are hereby ordered to be closed and the period between the date of suspension and the date of death is treated as duty for all purposes and his beneficiaries shall be paid full pay and allowances for that period to which he would have been entitled, had he not been suspended, subject to adjustment in respect of subsistence allowance if already paid.

By order of the Government of Jammu and Kashmir.

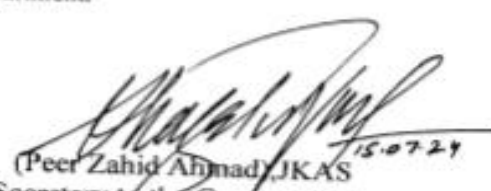
Sd/-
(Alok Kumar), IRS
Principal Secretary to Government,
School Education Department.

No: Edu-HRM/88/2021-01(39036)

Dated:15.07.2024

Copy for information:-

1. Joint Secretary (JKL), Ministry of Home Affairs, Government of India.
2. Commissioner Secretary to the Government, General Administration Department for confirmation of Action Taken/findings of the Department.
3. Director Anti Corruption Bureau, J&K.
4. Director, School Education Kashmir.
- 5 Chief Education Officer, concerned.
6. OSD to Advisor (B).
7. Pvt. Secretary to Principal Secretary to the Government, SED Department.
8. I/C Website, School Education Department.
9. Government Order file/Monday Return.


(Peer Zahid Ahmad) JKAS
Deputy Secretary to the Government