

Government of Jammu and Kashmir
School Education Department
J&K Civil Secretariat, Jammu/Srinagar

Subject:- Initiation of Regular Departmental Action against Shri Harbans Lal, the then ZEO Assar, Doda Shri Kuldeep Kumar Sr. Assistant and Shri Bikram Singh, Jr. Assistant, then posted in the office of ZEO Assar Doda - Closure thereof.

Reference:- No. GAD (Vig)43-RDA/2017 dated 21-06-2017.

Government order No. 325-JK(EDU) of 2024
Dated:- 14-08-2024

WHEREAS, the General Administration Department vide O.M No. GAD (Vig)43-RDA/2017 dated 21-06-2017, forwarded letter No. VO- Veri-UD-01/2016-6562-63 dated 07-04-2017, along-with enclosures as received from then State Vigilance Organization (Now ACB), to take action against the delinquent public servants in accordance with the J&K Civil Service (Classification, Control & Appeal) Rules, 1956. The case was examined in the Department and vide letter dated 18.10.17, the communication and its enclosures received from the General Administration Department were forwarded to the Director School Education, Jammu, for serving the charge sheet to the delinquent officers/officials;

AND WHEREAS, Director School Education, Jammu was further requested to examine the reply received from the delinquent officials and forward the findings to the Administrative Department with specific recommendations;

AND WHEREAS, vide letter dated 31.12.2021, Director School Education, Jammu was requested to furnish the latest status of the case along-with specific recommendations on the matter. In response, Director School Education, Jammu vide letter dated 13.07.22 forwarded the replies of Shri Harbans Lal, ZEO Assar; Shri Kuldeep Kumar, Sr. Assistant; and Shri Bikram Singh, Jr. Assistant, then posted in the office of ZEO Assar Doda to the charge sheet;

AND WHEREAS, the case was further examined and vide Government Order No. 101-JK(Edu) of 2023 dated 24.04.2023, Ms. Monika Bhandari, Chief Accounts Officer, Director School Education, Jammu, was appointed as the Inquiry Officer to conduct an inquiry against Shri Harbans Lal, the then ZEO Assar, Shri Kuldeep Kumar, Sr. Assistant, and Shri Bikram Singh, Jr. Assistant (then posted in the Office of ZEO Assar Doda);

AND WHEREAS, vide communication dated 10.10.23, Director School Education, Jammu forwarded the report of the Inquiry Officer, the relevant extract of which is reproduced as under:

"i. **Sh. Harbans Lal, then ZEO Assar.**

After conducting in depth inquiry and scrutinizing the record of ZEO Assar, it has been observed that aforesaid officer was unable to perform his job as DDO, the undersigned checked the complete record of office of ZEO Assar and it was found that the said officer was incapable to perform his duties and lacked leadership quality to manage his subordinate staff and complete the assignments due to inefficient behavior. Being a DDO, the officers has not taken own job and responsibilities seriously and neither informed to the higher authorities that their subordinates are not obeying the directions of DDO or not doing their job with dedication resulting in non-completion of record till date also. The officer is retired from active service as such the undersigned is unable for specific recommendation against the official under rule.

ii. **Sh. Kuldeep Kumar, Senior Assistant** had never performed his duties in the spirit of Government servant. He even did not co-operate during the inquiry and kept repeating that "I do not know anything". In reply to his article of charges itself clearly depicts that he does not even know " how to write"

In addition as per the forensic science report " that differences have been observed between the questioned and standard signatures of the ex-ZEO, it cannot be denied that he might have misused the signatures at some other places as well. Hence it is strongly recommended to take action against him under Article 311 (2) of Constitution of India.

iii. **Sh. Bikram Singh** has also not worked in good conscience during his tenure and not maintained the record properly. He did not obey the instructions /directions of DDO. Instead the official has imposed various allegations, out of these only non-maintenance of record could have been proved whereas against all the other charges no evidence was available to prove his allegations. Thus he tried to mislead the inquiry. Hence suitable punishment under Article 30 of the J&K, CCA Rules, 1956 may be imposed on him so that lesson is given to others that FAKE ALLEGATIONS leading to wastage of precious time of the Government will be dealt seriously by the Government."

AND WHEREAS, Shri Harbans Lal retired on superannuation on 31.01.2021 and the inquiry officer has not specifically recommended anything against the officer except that he was incapable to perform his duties as a leader or DDO. The Anti Corruption Bureau and the inquiry officer have reported that no loss to the state exchequer has been done by the then ZEO Assar, Doda

AND WHEREAS, Article 168-A envisages as under:

"168-A. The Government reserves to itself the right to order the recovery from the pension of an officer of any amount on account of losses found in Judicial or Departmental proceedings to have been caused to Government by the negligence or fraud of such officer during his service provided that-

(a) such Departmental proceedings if not instituted while the officer was on duty--

- (i) shall not be instituted save with the sanction of Government;
- (ii) shall be instituted before the officer's retirement from service or within a year from the date on which he was last on duty, whichever is later;
- (iii) shall be in respect of an event which took place not more than one year before the date on which the officer was last on duty; and
- (iv) shall be conducted by such authority and in such places as the Government may direct; Government may direct;

(b) all such departmental proceedings shall be conducted if the officer concerned so requests in accordance with the procedure applicable to departmental proceedings on which an order of dismissal from service may be made; and

(c) such judicial proceedings if not instituted while the officer was on duty, shall have been instituted in accordance with sub-clauses (ii) and (iii) of clause (a) above"

AND WHEREAS, the case was further examined in the department and the inquiry committee report was accepted."

NOW THEREFORE, in view of the above facts and in terms of Article-168-A of the J&K Civil Service Regulations, Volume-I, the inquiry report submitted by the inquiry officer is accepted and the RDA proceedings against Shri Harbans Lal, the then ZEO Assar, Doda are hereby closed.

By order of the Government of Jammu and Kashmir.

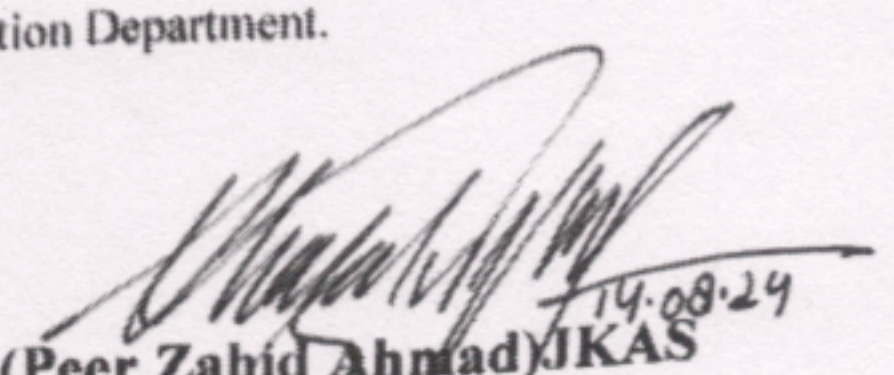
Sd/-
(Alok Kumar)IRS
Principal Secretary to Government,
School Education Department.

Dated: 14 .08.2024

No: Edu-HRM/185/2021-01(54402)

Copy for information :-

1. Commissioner Secretary to the Government, General Administration Department for confirmation of Action Taken/ findings of the Department.
2. Joint Secretary (J&K and L), Ministry of Home Affairs, Government of India.
3. Director Anti Corruption Bureau, J&K.
4. Director, School Education Jammu with the request to proceed against Shri Kuldeep Kumar, Senior Assistant and Shri Bikram Singh, Class IV/ Junior Assistant involved in the RDA, as per the inquiry committee report and submit action taken report within 15 days.
5. Chief Education Officer, concerned.
6. OSD to Hon'ble Advisor (B).
7. Pvt. Secretary to Principal Secretary to the Government, School Education Department.
8. I/C Website, School Education Department.
9. Government Order file/Monday Return.


(Peer Zahid Ahmad)JKAS
Deputy Secretary to the Government