

Government of Jammu and Kashmir
Home Department
Civil Secretariat, Jammu/Srinagar

Subject: Imposition of penalty of 'Reduction in Rank' on Shri Shah Sikander, the then I/c Dy.SP (now retired) in terms of Rule 30 read with Rule 33 of the J&K Civil Services (Classification, Control and Appeal) Rules, 1956.

Government Order No.: 178-Home of 2023

Dated: 10.04.2023

Whereas, FIRs 48/2015, 52/2015, 53/2015 and 54/2015 were registered in PS VoK, Srinagar, against Shri Shah Sikander, the then I/c Dy.SP (now retired), by the Vigilance Organization, Kashmir (Now ACB) under Sections 5(1) (e) and 5(2) of Prevention of Corruption Act and Section 120-B of RPC; and

Whereas, Shri Shah Sikander, the then I/c Dy.SP (now retired) was arrested on 14-03-2017 and remained in Police custody for more than 48 hours; and

Whereas, vide Government Order No.391-Home of 2017 dated 12.04.2017, Shri Shah Sikander, the then I/c Dy.SP (now retired) was placed under suspension, in terms of Rule 31(2) of Jammu & Kashmir Civil Service (Classification, Control & Appeal) Rules, 1956, w.e.f. 14.03.2017, i.e. from the date of his arrest in the case FIR 53/2015; and

Whereas, vide Memorandum bearing No. Home/PB-I/144/2015/2549 dated 21.06.2017, the following Article of Charges were served upon Shri Shah Sikander, the then I/c Dy.SP (now retired), for submitting a written statement of defence within a period of 21 days:

"During the posting of Shah Sikander Khan as Enforcement Officer in LAWDA from 03.02.2014 to 01.05.2015, various illegal constructions have been raised without permission in violation of Master Plan, permissions issued and the orders of the Hon'ble High Court.

In respect of the acts of omission/commission by Shah Sikander Khan as the then Enforcement Officer LAWDA, case FIR

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No. 48/2015 P/S VOK, case FIR No. 52/2015 P/S VOK, and case FIR No. 53/2015 P/S VOK were registered. In these cases there are allegations of a specific instances of willful abuse of official duties thereby allowing raising of illegal constructions. Whereas the investigations are underway in case FIR No. 48/2015, the investigation of the case FIR No. 52/2015 and 53/2015 stand closed as proved.

There have also been allegations of possessing assets disproportionate to his known sources of income, and having indulged in corrupt practices during his posting as Enforcement Officer in LAWDA. In this connection a case FIR No. 54/2015 P/S VOK has also been registered.

This conduct on the part of the officer, is unbecoming of a Government employee and it tantamount to gross indiscipline and violation of service rules for which, he is liable for action as warranted under the provisions of the Jammu and Kashmir Civil Services (Classification, Control & Appeal) Rules, 1956 and other provisions of the Jammu and Kashmir Civil Services Regulations."

Whereas, vide communication dated 25.09.2017, the delinquent officer submitted his response in which he refuted all the charges; and

Whereas, the response submitted by Shri Shah Sikander, the then I/c Dy.SP (now retired) was upon examination, found unsatisfactory and accordingly, it was decided that the charges were required to be inquired thoroughly. Accordingly, in terms of Government Order No. 09-Home of 2018 dated 04.01.2018, an inquiry officer was appointed to inquire into the charges served upon the officer; and

Whereas, the inquiry officer submitted his report to Home Department vide communication No.CBK/CS/Enq/2018/19436 dated 15.11.2018. In the report, the inquiry officer established that there was violation of Building permission norms and instances of illegal construction around Dal lake during the posting of Shri Shah Sikander, the then I/c Dy.SP (now retired) in Lakes & Waterways Development Authority (now LCMA), and which is specifically the charge against him; and

Whereas, the inquiry report ibid submitted by the inquiry officer after having been examined was placed before the Competent Authority for consideration. The Competent Authority decided to impose the penalty of

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"Reduction in rank" for violating J&K Government Employees (Conduct) Rules, 1971; and

Whereas, before imposing penalty upon Shri Shah Sikander, the then I/c Dy.SP (now Retired), a notice dated 20.02.2022, in terms of Rule 34 of the J&K Civil Service (Classification, Control and Appeal) Rules, 1956, was served upon the officer to show cause, within a period of 15 days, as to why a Penalty of "Reduction in rank" should not be imposed upon him; and

Whereas, Shri Shah Sikander, the then I/c Dy.SP (now Retired), submitted his response to the notice served to him in terms of Rule 34 of J&K Civil Services (Classification, Control and Appeal) Rules, 1956. The response submitted by Shri Shah Sikander, I/c Dy.SP (Retired), was examined in the Home Department and was placed before the Competent Authority for taking a decision on imposing penalty or otherwise; and

Whereas, the Competent Authority, after considering the response of the officer did not find any cogent reason to change his decision on imposing the decided penalty against Shri Shah Sikander, the then I/c Dy.SP (now Retired). Accordingly, the Competent Authority being satisfied with the inquiry conducted by the Inquiry Officer and the procedure followed in this case, arrived at a decision of imposing a Penalty of "Reduction in rank", for violating J&K Government Employees (Conduct) Rules, 1971.

Now, therefore, in terms of Rule 30(iv) read with Rule 33 of the J&K Civil Services (Classification, Control and Appeal) Rules, 1956, the penalty of reduction to a lower post i.e. from I/c Dy.SP to the post of Inspector in the J&K Police is hereby imposed on Shri Shah Sikander, the then I/c Dy.SP (now Retired) with effect from 20.07.2012, i.e the date he was placed as Incharge Deputy Superintendent of Police.

Sd/-

(Raj Kumar Goyal)IAS
Financial Commissioner/
Additional Chief Secretary

No: HOME-PG/132/2021(CC:16416)

Dated: 10.04.2023

Copy to the:-

1. Director General of Police, J&K.
2. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
3. Principal Accountant General, J&K.

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4. Principal Secretary to the Government, Housing and Urban Development Department.
5. Commissioner/Secretary to the Government, General Administration Department.
6. Director Archives, Archaeology & Museums, J&K.
7. Private Secretary to the Chief Secretary, J&K.
8. Private Secretary to the Financial Commissioner (Additional Chief Secretary) Home Department.
9. Concerned officer.
10. Incharge Website, Home Department.
11. Government Order file/Stock file.

Copy also to the:

Joint Secretary (JKL), Ministry of Home Affairs, Government of India.

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(Monish Kumar)JKAS

Under Secretary to the Government