

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

**Subject: Dismissal of Shri Aijaz-Ul-Hassan, I/c Senior Prosecuting Officer (under suspension) from Government Services in terms of Rule 30 (viii) of the J&K Civil Services (Classification, Control and Appeal) Rules, 1956.**

**Government Order No.: 580 -Home of 2023**  
**Dated: 28.11.2023**

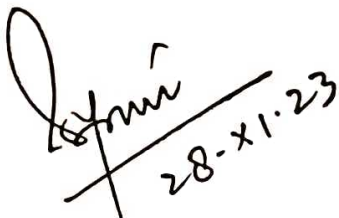
Whereas, vide Memorandum No. Home-Pros/28/2021/08 dated 15.12.2021, the following Articles of charge were served upon the delinquent officer namely, Shri Aijaz-Ul-Hassan, I/c Senior Prosecuting Officer for furnishing his response within 21 days from the date of receipt of the Memorandum:

"

*i. Mr. Aijaz-ul-Hassan, while being posted as Senior Prosecuting Officer in the Court of Judicial Magistrate 1<sup>st</sup> Class, Thanamandi, demanded and accepted Rs. 2.0 (two) lacs as bribe from Moulvi Mushtaq Ahmad S/o Mohd. Iqbal R/o Panaid, Tehsil Kotranka for helping him in connivance with ASI Mohammad Shabeer, Reader P/S Darhal (associated with the investigation of the case) and not getting him arrayed as an accused in case FIR No. 29/2014 U/S 302/34/201 RPC registered at P/S Darhal, Rajouri, registered against the father, brother and sister of Moulvi Mushtaq Ahmad, Imam in Hanfia Masjid, Zuber Abad, Sunjwan Road Jammu.*

*ii. The officer thus failed in maintaining absolute integrity and acted in a manner unbecoming of a government employee, thereby violating the provisions contained in J&K Employees (Conduct) Rules, 1971. The said act on the part of the officer tantamounts to a violation of Rule 3 of J&K Employees (Conduct) Rules, 1971."*

2. Whereas, vide communication dated 24.12.2021, the delinquent officer submitted his response to the charge-sheet *ibid*; and
3. Whereas, the response submitted by the delinquent officer was upon examination found unsatisfactory and accordingly, in terms of Rule 33 of the

  
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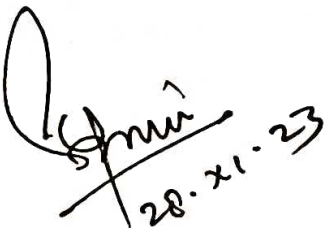
Jammu and Kashmir Civil Services (Classification, Control & Appeal) Rules, 1956, an inquiry was initiated against the delinquent officer, vide Government Order No. 178-Home of 2022 dated 16.06.2022; and

4. Whereas, the Inquiry Officer appointed in terms of Government Order ibid in his report submitted to the Government, vide No. Home/AS/PS/2022/30 dated 25.07.2022, established the charges framed against the delinquent officer. The Inquiry Officer had recorded the following findings:

*“... Based on the statements recorded during the course of inquiry and the documents which have been brought on record, the charge against the charged officer regarding demanding Rs. 02 lacs as a bribe from Moulvi Mushtaq Ahmad S/o Mohammad Iqbal R/o Meihad, Kotranka, District Rajouri, for helping him in connivance with ASI Shabir Ahmad, the then Reader SHO Police Station, Darhal, for not arraying him as an accused in case FIR No. 29/2014 P/S, Darhal, could not be established. However, in the basic complaint dated 01.10.2014 filed before Vigilance Organization, the complainant had in unambiguous terms stated that the delinquent officer had demanded an amount of Rs. 03 lacs from the complainant for not arraying them including the complainant as an accused in case FIR No. 10/2017 P/S VOJ (now ACB). The demanded amount, after negotiations was decreased to 02.10 lacs.”*

*The other aspect forming part of the charge regarding the acceptance of Rs. 02 lacs as a bribe from Moulvi Mushtaq Ahmad S/o Mohammad Iqbal R/o Meihad, Kotranka, District Rajouri for helping him in connivance with ASI Shabir Ahmad, the then Reader SHO Police Station Darhal for not arraying him as an accused in case FIR No. 29/2014 P/S, Darhal stands established to the extent that the charged officer had agreed to return the amount received by him from Moulvi Mushtaq Ahmad in the compromise meeting and subsequently, returned Rs. 01 lac through the account of Ct. Istikhar Ahmad on 29.06.2014...”*

5. Whereas, the report of the Inquiry alongwith all other relevant details were placed before the Competent Authority for consideration and decision. The Competent Authority, approved the report submitted by the Inquiry Officer and directed for imposition of a penalty, provided in Rule 30(viii) of the Jammu and Kashmir Civil Services (Classification, Control & Appeal) Rules, 1956, upon the delinquent officer namely, Shri Aijaz-Ul-Hassan, I/c Sr. Prosecuting Officer, i.e dismissal from service of the State which ordinarily disqualifies from future employment; and

A handwritten signature in black ink, followed by the date '28.11.23' written below it.

6. Whereas, before issuing notice to Shri Aijaz-ul-Hassan in terms of Rule 34 of Jammu and Kashmir Civil Services (classification, Control and Appeal) Rules, 1956 for imposing the penalty of dismissal from services of the State which ordinarily disqualifies from the future employment, consultations were made with the Jammu and Kashmir Public Service Commission with regard to the penalty decided by the Competent Authority, as stipulated in Article 320 (3)(c) of the Constitution of India; and

7. Whereas, vide communication No. PSC/Adm/Inquiry/59/2022 dated 17.03.2022, the Jammu and Kashmir Public Service Commission while intimating that the case was placed before the Commission in its 5th meeting for the year, 2023 held on 21.02.2023, conveyed the following decision of the Commission:

*"The Commission concurred with the proposal of the Home Department"*

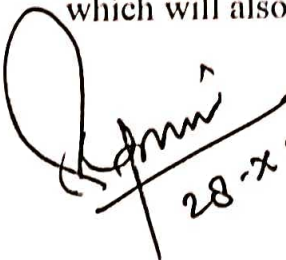
8. Whereas, in terms of Rule 34 of the Jammu and Kashmir Civil Services (Classification, Control & Appeal) Rules, 1956, a show cause notice dated 19.04.2023 alongwith the summary of the proceedings of the Inquiry was served upon the delinquent Officer for giving him an opportunity to show cause, within a period of 15 days from the date of service of the notice, as to why the penalty decided by the Competent Authority be not imposed on him; and

9. Whereas, the response submitted by the delinquent officer was examined in consultation with the General Administration Department and the Department of Law, Justice & PA, with regard to the penalty decided by the Competent Authority; and

10. Whereas, the response submitted by the delinquent officer alongwith all the details of the case including details of the consultation with the General Administration Department and the Department of Law, Justice & PA were placed before the Competent Authority; and

11. Whereas, the Competent Authority after taking into consideration all the aspects mentioned above, chose not to change the decision of 'dismissal from service of the State which ordinarily disqualifies for future employment' upon the delinquent officer.

12. Now, therefore, in terms of Rule 30(viii) of the Jammu and Kashmir Civil Services (Classification, Control & Appeal) Rules, 1956, Shri Aijaz-Ul-Hassan, I/c Senior Prosecuting Officer is dismissed from service, with immediate effect, which will also disqualify him from future employment.

  
28-21-23

By Order of the Government of Jammu and Kashmir.

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


No: HOME-Pros/72/2022-08-HOME (CC No. 7050387)

Dated: 28.11.2023

Copy to the:

1. Director General of Police, J&K
2. Director General of Prosecution, J&K.
3. Secretary to the Government, General Administration Department.
4. Director Information and Public Relations, J&K.
5. Secretary to the Government, Department of Law, Justice and Parliamentary Affairs.
6. Additional Secretary to the Hon'ble Lieutenant Governor, J&K
7. Director Archives, Archaeology & Museums, J&K
8. Private Secretary to the Chief Secretary, J&K
9. Private Secretary to Financial Commissioner (ACS) Home Department.
10. Concerned Officer.
11. Incharge Website, Home Department.
12. Government Order file/stock file.

Copy also to the Joint Secretary (JKL), Ministry of Home Affairs, GOI.

  
(Syed Yasir Fardoo) JKAS  
Deputy Secretary to the Government

28.11.23