

Government of Jammu and Kashmir

Home Department

Civil Secretariat, Jammu/Srinagar

Subject: Dismissal of Shri Waseem Ahmad Qureshi, Prosecuting Officer, (Under Suspension) Prosecution Department from Government Services, in terms of Rule 30(viii) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956.

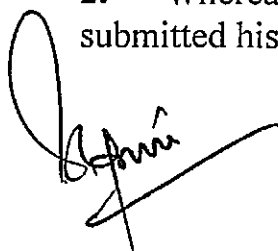
Government Order No.: 70 -Home of 2023

Dated: 09.02.2023

Whereas, vide Memorandum No. Home-Pros/31/2022-08-Home dated 08.07.2022, the following Articles of charge were served upon the delinquent officer namely, Shri Waseem Ahmed Qureshi, Prosecuting Officer for furnishing his response within 21 days from the date of receipt of the Memorandum:

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1. **Article-I:** That Shri Waseem Ahmed Qureshi, the then Assistant Public Prosecutor in the Court of Judicial Magistrate, Ukhral while on his way to Rajouri on 04.05.2020 was found to be in possession of 8 gms of Contraband substance by a Police party of Rajouri Police. A case FIR No. 230/2020 u/s 8(a), 21/29 of NDPS Act, 1985 was registered in Police Station, Rajouri. The Officer has acted in a manner unbecoming of a public servant and has also failed to maintain absolute integrity thus violating Rule 3(1)(i) and (iii) of J&K Government Employees(Conduct) Rules, 1971.
 2. **Article-II:** That Shri Waseem Ahmed Qureshi, Prosecuting Officer (under Suspension) was arrested on 10.02.2022 by Jammu Police for his alleged involvement in a case FIR No. 18/2022 u/s 8/12/22/25/29 of NDPS Act registered in Police Station, Nowabad for possession of Contraband substance. The Officer has acted in a manner, unbecoming of a public servant and has also failed to maintain absolute integrity thus violating Rule 3(1)(i) and (iii) of J&K Government Employees (Conduct) Rules, 1971.
 3. **Article-III:** That Shri Waseem Ahmed Qureshi, Prosecuting Officer (under Suspension) after his suspension vide Government Order No. 119-Home of 2020 dated 29.05.2020, failed to report in the office Deputy Director, Prosecution Ramban, where he was attached, w.e.f. 17.10.2021. The action of the Officer of not obeying the orders of the authorities is in Rule 3(1)(i) and (iii) of J&K Government Employees (Conduct) Rules, 1971."

2. Whereas, vide communication dated 26.08.2022, 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 Jammu and Kashmir Civil Services (Classification, Control & Appeal) Rules, 1956, an inquiry was initiated against the delinquent officer, vide Government Order No. 371-Home of 2022 dated 13.10.2022 ; and

4. Whereas, the Inquiry Officer appointed in terms of G.O ibid in his report submitted to the Government, vide No. DFSL/PS/Inquiry Report/2022/356 dated 31.10.2022, established the Articles of charge framed against the delinquent officer. The Inquiry Officer had recorded the following findings:

Charge I and Charge II:

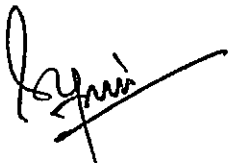
“... In view of the above narrations, oral and written submission made by the charged officer, legal position, FSL reports, statement of wife of the charged officer and the preponderance of probability. The Charge I and Charge II of violating Rule 3 (1) (i) & (iii) of the J&K Employees (Conduct) Rules, 1971 is established.”

Charge III:

“.....In view of the above narrations, oral and written submission made by the charged officer, detailed report submitted by the Deputy Director, Prosecution, Ramban and preponderance of probability, the charge III of violating Rule 3(1)(iii) of the J&K Employees (Conduct) Rules, 1971 is established.”

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 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 Waseem Ahmed Qureshi, Prosecuting Officer, which is dismissal from service of the State which ordinarily disqualifies from future employment; and

6. Whereas, pursuant to the decision of the Competent Authority and before imposing the above penalty on the delinquent officer, a show cause notice dated 23-12-2022, in terms of Rule 34 of the Jammu and Kashmir Civil Services (Classification, Control & Appeal) Rules, 1956 alongwith the summary of the proceedings of the Inquiry was served upon the delinquent Officer, 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 be not imposed on him. Instead of responding to the show cause notice ibid, the delinquent officer vide his reply dated 10.01.2023, inter-alia, stated that he should be given more time to respond to the show cause notice; and



7. Whereas, the above reply submitted by the delinquent officer was examined in consultation with the DG, Prisons, J&K and it was observed that the delinquent officer was attempting to evade the penalty by narrating misleading facts. It was further observed that the facts narrated in the reply ibid had already been considered by the Inquiry Officer and the delinquent officer had failed to give any cogent reason, warranting consideration for imposing a lesser penalty;

8. Whereas, the reply given by the delinquent officer along with all the details were again placed before the Competent Authority; and

9. Whereas, the Competent Authority chose not to change the decision of imposing the penalty of 'dismissal from service of the State which ordinarily disqualifies from future employment' upon the delinquent officer.

10. Now, therefore, in terms of Rule 30(viii) of the Jammu and Kashmir Civil Services (Classification, Control & Appeal) Rules, 1956, Shri Waseem Ahmed Qureshi, Prosecuting Officer is dismissed from service, with immediate effect, which will also disqualify him from future employment.

By Order of the Government of Jammu and Kashmir.

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

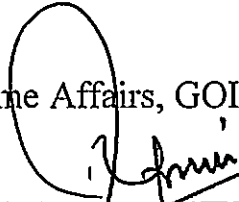
No: HOME-Pros/31/2022-08-HOME (CC No. 182284)

Dated: 09.02.2023

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. Additional Secretary to the Hon'ble Lieutenant Governor, J&K
6. Director Archives, Archaeology & Museums, J&K
7. Concerned officer.
8. Private Secretary to the Chief Secretary, J&K
9. Private Secretary to Financial Commissioner (ACS) Home Department.
10. Incharge Website, Home Department.
11. Government Order file/stock file.

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


Syed Yasir Farooq (JKAS)
Deputy Secretary to the Government

09.02.23