



Government of Jammu and Kashmir
Cooperatives Department
Civil Secretariat, Srinagar

Subject: - Settlement of salary/pension claim of Shri Mohammad Shafi Dar, Rtd. Assistant Registrar, Cooperative Department – SWP 2004/2013 titled Mohammad Shafi Dar v/s State & ors.

Government Order No: **27**-Coop of 2017
Dated **17** -08-2017

Whereas Shri Mohammad Shafi Dar, Assistant Registrar (Rtd), Cooperative Department filed a Writ Petition being SWP No: 2004/2013 titled Mohammad Shafi Dar v/s State & Ors. praying for orders for release of his pending salary and pensionary benefits; and

Whereas the Hon'ble High Court of Jammu and Kashmir vide its order dated 19:05:2015 passed following orders:-

“In the given circumstances the writ petition is disposed of with the following directions:

- (i) Respondents are directed to settle the case of the petitioner for grant of retrial benefits w.e.f. 01:12:2012 and release all emoluments including pending salary from December, 2005 in favour of petitioner.
- (ii) Respondents shall release all these benefits including pensionary benefits within a period of three months from today with interest @ 6% from 01:12:2012 and till its realization.

Disposed of along with connected CMP(s).”

Whereas the case was referred to the Law, Justice & Parliamentary Affairs Department of the Government, (hereinafter called LJ&PA Department), for their opinion/advice; and

Whereas the Department of Law Justice & Parliamentary Affairs vide its UO No:LD(Lit)2013/170-Cooperative dated 01:09:2015 sought information on Vigilance Organization's communication dated 19:03:2005; seeking the reasons why the official sought Hon'ble Court's intervention when voluntary retirement and post retirement benefits were routine matters. The LJ&PA Department has further mentioned “...it suggests that there is something fishy about the case”; and

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Whereas again Department of Law Justice & Parliamentary Affairs vide its UO No:LD(Lit)2013/170-Cooperative dated 06:10:2015; and dated 08:12:2015 insisted on furnishing reply *specifically to the queries raised by the Hon'ble Minister for Law, Justice & Parliamentary Affairs, in his observations particularly with regard to the recommendations of the Vigilance Organization;* and

Whereas facts of the case are that the General Administration Department (Vigilance), Government of Jammu and Kashmir vide Government Order No: 42-GAD(Vig) of 2007 dated 22:05:2007, under section 6 of the Jammu and Kashmir Prevention of Corruption Act, 2006 has launched prosecution against Shri Mohammad Shafi Dar s/o Shri Abdul Gani Dar r/o Majeed Bagh, Baghat Barzalla, Srinagar, for commission of offences punishable u/s 5(2) J&K PC Act, 2006 read with section 120-B, 419, 420, 468 and 471 RPC in case FIR No: 35/2005 P/S VOK; and

Whereas in another case pending adjudication before the Jammu and Kashmir State Accountability Commission, Srinagar, titled Farooq Ahmad Dar & anr v/s Dr. Manohar Lal Sharma (the then Minister of State for Cooperatives) & Ors, the said Commission by its order dated 11:05:2012 has prima facie made out a case for regular enquiry, which among others include Shri Mohammad Shafi Dar also; and

Whereas as per records the retiree, Shri Mohammad Shafi Dar has worked as the Director, Jammu & Kashmir Cooperative Housing Corporation Ltd. as a representative of District Budgam and Lakeview Cooperative House Building Budgam and was operating their Bank Account as well; and

Whereas it needed to be ascertained as to how much amount has he drawn during the period and the same needs to be adjusted towards the outstanding, if any; and

Whereas the period also needs to be ascertained as the communication Nos.RCS/Adm/AR-33/1470-73 dated 03.08.2015 and No. RCS/Adm/AR-33/519 dated 11.08.2015 available in the office records are at variance; and

Whereas a communication No. RCS/Adm/AR-33/519 dated 11.08.2015 available in the office records shows that the Deputy Registrar, Cooperatives, has issued attendance report in favour of Shri Mohammad Shafi Dar for a period, though no specific period about his attendance has been found anywhere. The letter of the Registrar, Cooperative Societies, J&K dated 03.08.2015 shows that the officer was attached on 24:03:2008 to 30:11:2012 with the office of the Deputy Registrar, Cooperative Societies, Ganderbal, who has intimated that the salary of the officer has not been paid from 08:12:2009 to 30:09:2010, which indicates that the officer has been paid from 23:03:2008 to 07:12:2009 and beyond 30.09.2010; and

Whereas a contradictory position has been reflected to the effect that no salary has been paid from 08:12:2009 to 30:09:2010 though Shri Mohammad Shafi Dar had been attached vide Government Order No.43-Coop of 2008 dated 19:03:2008; and



Whereas in view of various contradictions and allegations, which are quite grave, as is indicated in the Government Order sanctioning his prosecution, it will be just paying premium for alleged illegalities/irregularities of Shri Mohammad Shafi Dar if any further payment is made to him without ascertaining his liabilities and also determining the amount as has been paid and/or as may be payable, if any; and

Whereas it would be expedient to hold a thorough probe into the whole matter to determine the amount of loss caused to the State exchequer by the fraudulent and deceitful means allegedly resorted to by Shri Mohammad Shafi Dar, as indicated in the aforementioned Government Order(s) so that Civil Proceedings are initiated against the officer to recover the amount of loss caused to the State/Apex Cooperative Society; and

Whereas the said Civil Proceeding will be independent of the Criminal Proceedings pending for the last decade also against Shri Mohammad Shafi Dar.

Now, therefore, sanction is hereby accorded to the constitution of a Committee comprising of the following officers to conduct a thorough probe as mentioned hereinabove against Shri Mohammed Shafi Dar, retired Assistant Registrar, Cooperative Societies:-

01	Registrar, Cooperative Societies, J&K.	Chairman
02	Director Finance, Cooperatives Department	Member
03	Additional Secretary to Government General Administration Department (Administration)	Member
04	Deputy Registrar Cooperative Societies (Counsel) office of the Registrar, Cooperative Societies, J&K	Member-Secretary

The said committee ipso facto shall have mandate to determine sums, if any, due to Shri Mohammad Shafi Dar from the Government after ascertaining the period of absence, unauthorized non-joining with consequent absence from duty, as also the sums drawn by him during the period from various offices/Societies.

The Committee shall submit its report within a period of 30 days to the Government in the Cooperatives Department from the date of issue of this order.

This issues with the concurrence of the General Administration Department conveyed vide their U.O No.GAD/Vig/23-SP/2007 dated 01.06.2007.

By order of the Government of Jammu and Kashmir.

Sd/-

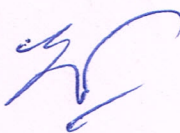
(Bashir Ahmed Bhat) IAS
Secretary to Government,
Cooperatives Department

Dated 17-08-2017

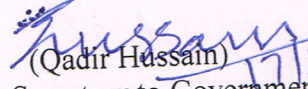
No: Coop/Legal/14/2015

Copy to the:-

1. Principal Secretary to Hon'ble Chief Minister, J&K.
2. Commissioner/Secretary to Government General Administration Department for information. This has reference to UO No: GAD/Vig/23-SP/2007 dated 01.06.2007.



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3. Secretary to Government, Law, Justice & Parliamentary Affairs Department, J&K.
 4. Registrar, Cooperative Societies, J&K, Srinagar/Chairman of the Committee.
 5. Directors Archives, Archaeology and Museums, Srinagar.
 6. Director, Finance, Cooperatives Department (Member of the Committee)
 7. Additional Secretary to Government, General Administration Department (Administration) (Member of the Committee)
 8. Deputy Registrar, (Counsel) Cooperative Societies, Office of RCS, J&K (Member of the Committee).
 9. Private Secretary to Hon'ble Minister for Ladakh Affairs & Cooperative Department for information of Hon'ble Minister.
 10. Private Secretary to Hon'ble Minister of State, Cooperatives, Forest, Environment & Ecology, J&K, for information of Hon'ble Minister.
 11. Pvt. Secretary to Secretary to Government Cooperatives Department.
 12. Shri Mohammad Shafi Dar (Retired) Assistant Registrar, Cooperatives (S/o Shri Abdul Gani Dar r/o Majeed Bagh, Baghat Barzalla, Srinagar).
 - ✓ 13. Incharge Website for uploading the Government Order on Departmental Website.
 14. Government Order file (w.3.s.c).


(Qadir Hussain) 17/8/2017
Under Secretary to Government,
Cooperative Department, J&K