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Government of Jammu and Kashmir
Civil Secretariat Cooperatives Department

Subject:- Suspension case of Shri Udham Dass Deputy Registrar Cooperative Societies attached with Additional Registrar Cooperative Societies, Jammu period of suspension as on duty thereof.

Reference:- Letter No. COE/01/Coop/2016-30 dated 27-09-2016 from Office of the Commissioner of Enquires J&K, Srinagar.

Government Order No. 42-Coop of 2016

D a t e d :- 09 - 12 - 2016

Whereas, vide Government Order No. 35-Coop of 2015 dated 18-11-2015 the officer was placed under suspension on the basis of allegations and the findings of the enquiry conducted by Managing Director, JAKFED and Joint Registrar, Cooperative Societies, Kashmir and the officer was attached in the office of Additional Registrar Cooperative Societies, Jammu;

Whereas, Shri Udham Dass, Deputy Registrar Cooperatives Societies has been re- instated vide Government Order No.23-Coop of 2016 dated 21-04-2016 subject to the condition that the period of suspension shall be decided on the basis of report of the Commissioner of Enquiries;

Whereas, vide Government Order No. 24 Coop of 2016 dated 21-04-2016 and this department's U.O.No.Coop/SS/27/2015-Part-II dated 28-04-2016 the case has been referred to the Commissioner of Enquiries for enquiring the charges framed against Sh. Shri Udham Dass the then Deputy Registrar Cooperative Societies (Agr.)Jammu in respect of the complaints regarding Sainik Cooperative Housing Society, Ltd. Sainik Colony Jammu and on working of Cooperative School of Education and Research Institute Delli Jammu and also the complaint pertaining to illegal appointment in Super Bazar, Jammu;

Whereas, the Commissioner of Enquiries has enquired into the matter and submitted his Inquiry report/findings against each allegations leveled against Shri Udham Dass, the then Deputy Registrar Cooperative Societies,(Agri.) Jammu along with his recommendations to this department, the conclusion of which is reproduced as under:-

File

"To sum up entire matter, it can be observed that the Officer concerned was given important assignments by the higher authorities which speaks about his efficiency in discharging such assignments. He has already suffered mental tension, demoralization and un-necessary harassment on the basis of mis-interpretation/ suppression of the facts of the case. The Registrar Co-operative Societies J&K while furnishing his comments vide his office letter No. RCS/SS/956 dated 26.02.2016, observed that the Suspended Officer has justified his actions on the basis of the written evidences and in such cases where written approvals were not available, the actions taken were justified in anticipation of the later approval and as per demand of the situation. It has been further concluded that there

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was nothing malafide and the decisions were taken in good faith in the interest of the Co-operative Institutions. As the Officer has already been reinstated, it is recommended that justice be done to him by exonerating him of all the charges and it is well settled law that the period under suspension should be treated as duty after exoneration of the charges/ re-instatement as per provisions of the J&K Civil Services (Classification, Control & Appeals) Rules 1956. Hence, the inquiry report is forwarded for further necessary action into the matter."

Whereas, the Commissioner of Enquiries in his above mentioned report has exonerated the officer of all the charges and recommended that the period of suspension of the said officer shall be treated as on duty;

Whereas, clause (ii) of Article 108-B of J&K CSR which reads as under:-

"(ii) Where the authority mentioned in sub-rule(i) is of opinion that the Government servant has been fully exonerated or in the case of suspension, that is was wholly unjustified the Government servant shall be given the full pay and allowances to which he would have been entitled had he not been dismissed, removed, compulsorily retired before attaining the age of superannuation or suspended, as the case may be. The period of absence from duty shall be treated as period spent on duty".

Now, therefore, in terms of the recommendation of the Commissioner of Enquiries Civil Sectt, J&K and above rule position, the period of suspension of Shri Udham Dass, the then Deputy Registrar Cooperative Societies presently attached in the office of Additional Registrar Cooperative Societies, Jammu is hereby treated as on duty w.e.f. 18-11-2015 to 21-04-2016.

By order of the Government of Jammu and Kashmir.

Sd/-

(H. K .Sharma)IAS

Secretary to Government
Cooperatives Department

Dated:- 09-12-2016

No. Coop/SS/27/2015(Part-II)

Copy to the:-

1. Commissioner/Secretary to Government, General Administration Department.
2. Commissioner of Enquiries J&K Jammu for information.
3. Registrar Cooperative Societies, J&K Jammu.
4. Director Finance, Cooperatives Department.
5. Director, Archives, Archaeology and Museums J&K, Jammu.
6. PRO to Hon'ble Minister for Cooperatives and Ladakh Affairs Department for information of the Hon'ble Minister.
7. Special Assistant to Hon'ble Minister of State for Cooperatives for information of the Hon'ble Minister of State.
8. Pvt.Secretary to Secretary to Government Cooperatives Department for information of the Secretary.
9. Shri Udham Dass, Deputy Registrar Cooperative Societies attached in the Office of Additional Registrar Cooperative Societies, Jammu. He shall careful in future.
10. I/C Website for uploading of Government Order on Departmental Website.
11. Government Order file.(w.3 s.c.)

(Peer Manzoor Ahmad) KAS,

Deputy Secretary to Government
Cooperatives Department