



**GOVERNMENT OF JAMMU & KASHMIR,
FINANCE DEPARTMENT.
(www.jkdat.nic.in)**

Subject:- Treatment of period of suspension.

**Government order No. 218 – F of 2015
Dated : 29.10.2015.**

Whereas , Shri Zahoor Ahmad Reshi during his posting as District Treasury Officer, Kargil was placed under suspension vide Government Order No. 111- F of 2008 dated 25.03.2008 in a case FIR No. 17/2008 u/s 5 (2) of PC Act, 161 RPC.

Whereas, the officer was reinstated vide Government order No. 114-F of 2009 dated 02.06.2009 and his suspension period was ordered to be decided subject to the final outcome of the case pending against him.

Whereas , on the basis of a previous representation from the officer, the Superintendent of Police, Kargil was requested to intimate the latest status of the case.

Whereas, the Superintendent of Police , Kargil vide his No. DRBR/R-17/08/12-7945 dated 24.08.2012 intimated that :-

" In this regard it is submitted that as per the legal opinion / direction of PHQ the investigation of the case has been closed as not admitted by the Investigating officer and accordingly the final report of the case will be produced before the Hon'ble Court of Law. Since, the LD. CJM Kargil has been transferred and relieved from District Kargil to Jammu and the new Judge has not joined so far, the case will be accordingly submitted."

Whereas, the Superintendent of Police , Kargil was again requested to intimate whether the FIR has been formally closed with the approval of concerned Hon'ble Court or not.

Whereas, in response, the Superintendent of Police , Kargil vide letter No. CRB/CR/2014/1468-69 dated 30.01.2014 intimated that the final report in the said case stands submitted before the Hon'ble Court of special Judge Anti Corruptin, Srinagar vide F.R. No. 06 dated 03.02.2013 and has provided a copy of the said report , which concludes as under :-

"As per legal opinion of CPO, PHQ, Jammu the case does not come under the purview of Section-5(2) of PC Act and no case is framed undr 161 Cr. P.C. In view of the facts and circumstances of the case the investigation of the case is concluded and closure of the case if requested with the recommendations that departmental inquiry may be conducted against the accused through DGAT and as per orders the closure report is submitted before the competent court."

Whereas, the matter was taken up with the General Administration Department vide O.M. No. DGAT/PS/DR/248 dated 26.03.2014.

Whereas, the General Administration Department vide No. GAD (Vig.) 05-NOC/2009-Finance dated 23.06.2014 have intimated as under :-

" The investigation of the case was closed by the concerned investigating agency as not admitted and accordingly, the finding of the final investigation report was produced before the Hon'ble Trial Court. The orders of the Hon'ble Trial Court are still awaited."

Whereas , Shri Zahoor Ahmad Reshi presently posted as CAO, Irrigation & Flood Control Department, Kashmir submitted a representation requesting therein for the settlement of his suspension period as duty.

Whereas, the case was again examined in the Finance Department and it was felt that the case has been registered against the officer way back in 2008 and despite lapse of around seven years and the report of the Police Department that no case is made out against the officer, the officer is still suffering since last seven years and the delay is not attributable to him.


Whereas it was also felt that the closure report as reported by the Police Department has been submitted way back on 03.02.2013 and the Hon'ble Court has not still adjudicated upon it.

Whereas , keeping in view the request put forth by the officer and the circumstances , it was decided to treat the period of suspension in favour of the officer as period spent on duty subject to the condition that an undertaking shall be furnished by the officer that in case the Hon'ble Court orders for re-investigation and the case is finally adjudicated against the officer , the officer will bear all the resultant financial as well as administrative consequences.

Now, therefore, in view of the above background , the period of suspension i.e. w.e.f. 23.02.2008 to 01.06.2009 is treated as period spent on duty in favour Shri Zahoor Ahmad Reshi subject to the condition that the officer furnishes an undertaking that in case the Hon'ble Court orders for re-investigation and the case is finally adjudicated against the officer, he will bear all the resultant financial as well as administrative consequences.

By order of the Government of Jammu and Kashmir.

Sd/-
(Navin K. Choudhary), IAS
Commissioner / Secretary to Government,
Finance Department.


NO: DGAT/PS/DR/518
Dated :29.10.2015.

Copy to the :-

1. Commissioner /Secretary to Government, General Administration Department.
2. Director, Accounts & Treasuries, Kashmir.
3. Deputy Commissioner, Kargil.

4. OSD with Hon'ble Minister for Finance, Labour / Employment & Culture for information of the Hon'ble Minister.
5. Shri Zahoor Ahmad Reshi, CAO, Irrigation & Flood Control Department Kashmir, Srinagar.
6. Superintendent of Police, District Kargil.
7. Government order file (W 2scs).



(Altaf Hassan Mirza) 29/9/2016
Director General,
Accounts & Treasuries,
Finance Department.