

Government of Jammu and Kashmir
Department of Law, Justice and Parliamentary Affairs
Civil Secretariat Jammu/Srinagar

Subject:- Removal from the Service of Ms. Ruquiya Akhter, Watch and Ward Woman of the erstwhile, J&K Legislative Council in terms of Clause (vii) of Rule 30 of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956.

Government Order No:13604-JK(LD) of 2023
Dated : 06-10-2023

Whereas, in terms of Memorandum bearing No. LAW-PAB/82-2022-10 dated 06.03.2023, the following Article of Charge along with statement of imputations and allied documents were served to Ms. Ruquiya Akhter, Watch and Ward Woman of the erstwhile, J&K Legislative Council, (delinquent official) for submitting her statement/response of defence within 15 days from the date of receipt of the said memorandum;

"That two fake appointment Orders bearing No. 76-AG of 2021 dated 13.07.2021 and 79-AG of 2021 dated 13.07.2021, purportedly issued by the office of the Advocate General, J&K were being circulated on social media regarding direct recruitment quota of Jr. Assistants and Orderlies, which pursuant to written complaint of Shri Z.A. Dewani, Administrative officer, Advocate General, J&K, Srinagar to Special Director General, Crime Branch, J&K on 15.08.2021 lead to registration FIR No.56/2021 P/s Crime Branch, Kashmir.

During the course of investigation conducted by the Crime Branch, Kashmir, it transpired that a huge amount has been credited by the candidates figuring in the above said fake recruitment orders into account number 12996 operational in the name of Ms. Ruquiya Akhter, Watch and Ward Women of the erstwhile J&K Legislative Council and Account No.9032 operational in

the name of her daughter Ms. Arshul Akbar and she has also lured the candidates to deposit the cash into the Account No. of Mr. Mohammad Yaqoob Bhat, Sr. Assistant posted in the office of the Advocate General, for which an FIR No.56/2021 under section 5(2) PC Act read with 420, 120-B IPC has been registered against her and she has also been arrayed as accused in the case.

Ms. Ruquiya Akhter, Watch and Ward Women of the erstwhile J&K Legislative Council, while being deployed in the office of Advocate General, J&K through illegal means received gratification /resorted to swindling of money and this illegal act besides tarnishing and maligning the image of institution, amounts to conduct unbecoming of a Government employee and thereby, she has failed to maintain the absolute integrity and honesty as an employee and this act/conduct is in contravention of the Rule-3 of the Jammu and Kashmir Government Employees (Conduct) Rules, 1971 and renders her liable for action under Rule-33 of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956."

Whereas, the above said delinquent official submitted her response to the charge sheet and upon examination of the response/reply submitted by the said delinquent official, the same was found to be unsatisfactory and accordingly, in terms of Government Order No. 4068-JK(LD) of 2023 dated 24-08-2023 the Inquiry proceedings were initiated against the said delinquent official by appointing an Inquiry Officer to conduct an enquiry in respect of the aforesaid Article of charges;

Whereas, the Inquiry Officer appointed vide aforementioned Government order submitted his Inquiry Report on 14-06-2023 to the Government and found that the charges to have been established against the above said delinquent official and accordingly observed/recommend as under:-

Yes
"That the charged official has lured the candidates to deposit the cash into account of Mohammad Yaqoob Bhat, Sr. Assistant posted in the office of the Advocate General is concerned, it stands proved by the witnesses she produced during the Inquiry and also admitted by her. The witnesses in a fait and express vocabulary

admitted that they have deposited the consideration amount in lieu of Job promise in installments either into the bank account No. 0406040100000360 operated by Mohammed Yaqoob Bhat they have transferred the amount in the bank account of Ruquiya Akhter (Charged official) or in her daughter's bank account in the name of Ms. Arshul Akbak. The witnesses also revealed that after paying advance installment of consideration amount they forwarded their respective documents to whatsapp number of Mohammad yaqoob Bhat in adherence to the instructions conveyed to them by Ms. Ruquiya Akhter (Charged Official). The effecting of successful recovery of some of the paid consideration amount by few candidates wither from Ruquiya Akhter of Mohammad Yaqoob Bhat also got established during the course of hearing. All the witnesses unequivocally deposed that they came in contact with Mohammad Yaqoob Bhat only through charged Official who is their relative/neighbor and prior to that they had never met or seen Mohammad Yaqoob Bhat.

The Charge that Ms. Ruquiya Akhter, W&W Women of the erstwhile, J&K, Legislative Council, while being deployed in the office of Advocate General through illegal means received gratification/resorted to swindling of money and this illegal act besides tarnishing and maligning the image of institution, amounts to conduct unbecoming of a Government employee and thereby, she has failed to maintain the absolute integrity and honesty as an employee and this act/conduct is in contravention of the Rule-3 of the Jammu and Kashmir Government Employees (Conduct) rules, 1971 and renders her liable for action under Rule-33 of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 also stands proved against the charged official."

Agree
Whereas, the Inquiry Report submitted by the Inquiry Officer was examined and placed before the Competent Authority for his final decision/consideration and the Competent Authority upon consideration of the Inquiry Report and other material documents related to the enquiry proceedings while accepting the Inquiry Report tentatively came to the conclusion that in view of the grave charges against the delinquent official the penalty of removal from service as provided in Clause (vii) of Rule 30 of the Jammu and

Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 requires to be imposed upon the delinquent official;

Whereas, upon acceptance of the Inquiry Report by the Competent Authority and in view of the tentative conclusions arrived by the said authority with regard to the imposition of penalty, a show cause notice was issued to the delinquent official, vide No. LAW-PAB/82-2022-10 dated 26-07-2023 in terms whereof she was asked to show cause as to why proposed penalty of Removal from Service as provided in Clause (vii) of Rule 30 of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 shall not be imposed upon her;

Whereas, the response of the delinquent official in response to aforesaid notice was received on 18-08-2023;

Whereas, the issue was again placed before the Competent Authority along with response of the delinquent official submitted to the show cause notice and all other material documents and the Competent Authority upon consideration of the matter and response of the delinquent official to the said show cause concluded that no satisfactory reply/material has been produced by the charged official to impose any lesser penalty and accordingly, the Competent Authority decided not to change the decision regarding the imposition of penalty. It was further concluded that the misconduct proved against of the charged official is grave in nature and warrants imposition of major penalty i.e Removal from Service;

Now, therefore, in terms of the Clause (vii) of Rule-30 of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956, Mtr. Ruquiya Akhter Watch and Ward Woman of the erstwhile, J&K Legislative Council is hereby removed from

Service with immediate effect, which does not disqualify her from future employment.

By order of the Government of Jammu and Kashmir

Achal Sethi
6.10.2023

(Achal Sethi)
Secretary to Government,
Department of Law, Justice and
Parliamentary Affairs

No: LAW-PAB/82/2022-10

Dated: 06.10.2023

Copy to the

1. Principal Secretary to the Hon'ble Lt. Governor for information.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. Special Director General of Police, Crime, J&K, Jammu/Kashmir.
4. Commissioner/Secretary to Government, General Administration Department. This is with reference to his U.O No. GAD-VIGORDA/117/2023-11-GAD dated 05.10.2023.
5. Private Secretary to the Chief Secretary for information of the worthy Chief Secretary.
6. Incharge Cell of Records of the erstwhile, J&K, Legislative Council.
7. Administrative Officer, Office of the Learned Advocate General, J&K, Srinagar/Jammu.
8. Private Secretary to the Secretary to Government, Department of Law, Justice and Parliamentary Affairs.
9. File concerned.
10. Government Order file.