

GOVERNMENT OF JAMMU AND KASHMIR
Department of Law, Justice and Parliamentary Affairs.
Civil Secretariat, Srinagar/Jammu

Subject: Removal of Mr. Mohammad Yaqoob Bhat, Senior Assistant of Advocate General's Organization from the service in terms of clause (vii) of Rule 30 of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956.

Government Order No. 4463 -JK(LD) of 2024.
Dated 01 -04-2024.

Whereas, in terms of Memorandum bearing No.LAW-Estt/147/2023-10 dated 25.10.2023, the following Article of Charges along with statement of imputations and allied documents were served to Mr. Mohammad Yaqoob Bhat, Senior Assistant of Advocate General's Organization (delinquent official) for submitting his statement/ response of defence within 07 days from the date of receipt of the said memorandum;

1. That two fake appointment Orders bearing No(s). 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, Office of Advocate General, J&K, Srinagar to Special Director General, Crime Branch, J&K on 15.08.2021 lead to registration of FIR No. 56/2021 P/s Crime Branch, Kashmir.

2. During the course of investigation conducted by the Crime Branch, Kashmir, it was found that some touts have conspired with Mohammad Yaqoob Bhat, Sr. Assistant of the Ld. Advocate General, J&K (delinquent official) who has lured the candidates on the fake and false promise of providing jobs. During the investigation, it also surfaced that some beneficiaries have transferred huge amount of money in the J&K Bank Account No. 0406040100000360 maintained in the name of said Mohammad Yaqoob Bhat (delinquent official) to get recruited against these posts. It was also found that some amount was also credited into the account of delinquent official by some of the employees working in the Advocate General Office. During the course of investigation, it was also established that these candidates had sent their testimonials on the whatsapp number 9697000121 of the said official and credited huge amount into his aforesaid account, which was established and revealed from the aforesaid bank account statement. Accordingly, the case U/S 5(2) of PC Act r/w Section 420, 467, 268, 471, 120-B IPC & 66 IT Act was registered in P/S CBK inter-alia, against the said delinquent official.

3. Shri. Mohammad Yaqoob Bhat, as demonstrated above, while being posted in the Office of Advocate General, J&K through illegal

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means and by sheer misuse of his official position lured gullible innocent candidates to pay illegal gratification into his account on the pretext of providing them Government jobs and this illegal act besides tarnishing and maligning the image of institution, amounts to conduct unbecoming of a Government employee/public servant and thereby, he 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 him liable for action under Rule-33 of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956.”

Whereas, the above delinquent official submitted his 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. 15838-JK(LD) of 2023 dated 23.11.2023 the inquiry proceedings were initiated against the said delinquent official by appointing an Inquiry Officer to conduct an inquiry in respect of the aforesaid Article of Charges;

Whereas, the Inquiry Officer appointed vide aforesaid Government Order submitted his Inquiry report on 08.01.2024 to the Government and found that the charges have been established against the aforesaid delinquent official and accordingly observed/ recommended as under:

1. *The office of the Ld. Advocate General has not issued any appointment Order since September 2018 against direct recruitment vacancies of Orderlies and Junior Assistants nor any such selection process was initiated.*
2. *The two 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 which were circulated on social media were proved fake.*
3. *Mohammad Yaqoob Bhat, Senior Assistant (under suspension), who had remained posted in the Establishment Section of Advocate General's office for pretty long time, has been found responsible for compilation and issuance of these fake and fictitious appointment orders of Orderlies and Junior Assistants.*
4. *The Crime Branch Kashmir while registering FIR No. 56/2021 at P/S CBK has also established the involvement of Mohammad Yaqoob Bhat after conducting enquiry*
5. *The expert opinion of the FSL Report has admitted handwriting of the charged official on fake orders.*
6. *The charged official enticed the employees of erstwhile Legislative Council deputed to Advocate General's office for duties who were directly in his touch because of the fact that he was dealing with Establishment Section and also used their services to collect the consideration amount from their close relatives, neighbours in lieu of Government Jobs to be provided to them by the charged official.*
7. *The Statements of Ruqaiya Akhter, Sansar Chand Pacca, Fayaz Ahmad Dobhi (employees of erstwhile Legislative Council deputed to Advocate General' s office) recorded in the presence of the charged official, proved beyond any reasonable doubt that ultimate beneficiary of all the money transactions*

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between them, their relatives and neighbours is Mohammad Yaqoob, charged official.

8. Some candidates have made payments to Mohamad Yaqoob Bhat through account number of Ruqaiya Akhter, the then official of erstwhile Legislative Council deputed to the Advocate General's office and through her daughter's account and she was arrayed as co-accused in FIR No. 56/2021 P/s Crime Branch Kashmir and later on stands removed from the service vide Government Order No. 13604-JK(LD) of 2023 dated 06.10.2023.
9. The charged official restored to malpractices, misused his official position, lured gullible candidates, received their documents on his whatsapp number, demanded and accepted illegal money on the pretext on providing them jobs and later on issued fake appointments orders in their favour and thereby breached the Rules, Regulations and Conduct governing service conditions of every Government employee.
10. The J&K Bank Statement of the account No. 0406040100000360 of the charged official is a sufficient proof that he has committed economic offence with cool calm intent and planned design with an eye on personal profit regardless of the consequences and its adverse effects of the society.

To sum up all the charges framed against Mohammad Yaqoob Bhat, Senior Assistant (under suspension) have been proved against him during the inquiry, after providing him sufficient opportunity of being heard. The misdemeanors of the Charged official easily fall with the interpretation of the expression of those acts which prima facie are termed as acts unbecoming of a Government employee who fail to maintain absolute integrity and honesty. Such acts never allow the charged official to wriggle out of responsibility rather have detrimental effects on his career progression and gainful avenue of employment.

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 inquiry 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 the 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-Estt/147/2023-10 dated 04.03.2024 in terms whereof he was asked to show cause as to why proposed penalty of Removal from the 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 him;

Whereas, the response of the delinquent official in response to the aforesaid Notice was received on 15.03.2024;

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 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 the 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, Mr. Mohammad Yaqoob Bhat, Senior Assistant of Advocate General's Organization is hereby removed from the Service with immediate effect.

By Order of Hon'ble Lieutenant Governor.

Achal Sethi
1-04-2024

(Achal Sethi)

Secretary to Government,
Department of Law, Justice
and Parliamentary Affairs.

No.LAW-Estt/147/2023-10

Dated 01-04-2024

Copy to the :

1. Principal Secretary to Hon'ble Lieutenant Governor, Raj Bhawan for information.
2. Joint Secretary (J&K) Ministry of Home Affairs, Government of India.
3. Special Director General of Police, Crime, J&K, Jammu/ Srinagar.
4. Commissioner Secretary to Government, General Administration Department.
5. Director Finance, Department of Law, Justice and Parliamentary Affairs.
6. Private Secretary to Chief Secretary, J&K for information of the worthy Chief Secretary.
7. Deputy Director, Urdu Coordination Cell for information.
8. Administrative Officer, Office of the Learned Advocate General, J&K for information.
9. Private Secretary to Secretary to Government, Department of Law, Justice and Parliamentary Affairs.
10. Incharge Website.
11. Government Order file.
12. Concerned file.