Government of Jammu and Kashmir
Home Department

Subject: - Suspension of Mr. Aftab Ahmad Sheikh, Dy.SP.

Government Order No. 276 -Home of 2014
Dated:- 16.06.2014

Whereas, pursuant to the selection made by the Jammu and Kashmir Public Service Commission and on the basis of the Combined Competitive Examination, 2002, Mr. Aftab Ahmad Sheikh S/o Abdul Salam Sheikh R/o Surankote, District Poonch was appointed as DySP in the J&K Police (Gazetted) Service under RBA category on reservation basis by the General Administration Department vide Government Order No.971-GAD of 2004 dated 23.07.2004; and

Whereas, on the basis of verification in a complaint filed in the Vigilance Organization about alleged acquisition of RBA certificate by Mr. Aftab Ahmad Sheikh through misrepresentation of facts and prior to institution of enquiry in terms of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956, a memorandum of Articles of Charge accompanied by the Statement of Imputations was served to him vide O.M. No. Home/PB-I/14/2011/ 2733 dated 22.12.2011; and

Whereas, the matter came to be referred to the General Administration Department for advice. The General Administration Department vide U.O. No. GAD(Vig) 148-Comp/2007 dated 07.02.2013 advised as under:

"Returned. The manner in which the instant inquiry is being conducted by the Home Department will not stand judicial scrutiny in the event of the department imposing a penalty on the charged officer. The charged KPS officer be placed under suspension and attached with PHQ. Simultaneously, the PHQ be told to serve the charge-sheet upon him under proper receipt. Once the above is done, the Home Department may appoint an IO and PO, as proposed in their departmental file. The General Administration Department will place the case of the officer before the Review Committee on suspensions. This has approval of the Hon'ble Chief Minister."

P-1/3
Whereas, pursuant to the above advice of the General Administration Department, the Home Department vide Government Order No. Home-66 of 2013 dated 15.02.2013 placed Mr. Aftab Ahmad Sheikh, Dy.SP under suspension with immediate effect and attached him to the Police Headquarters; and

Whereas, the said officer submitted a detailed reply to the charges. While denying the charges, the officer requested that the same may be dropped; and

Whereas, the reply of the charged officer was examined in consultation with Deputy Commissioner, Poonch. The Deputy Commissioner, Poonch in his report submitted that RBA certificate has been issued in favour of Mr. Aftab Ahmad Sheikh on genuine grounds and that his income was calculated rightly for issuance of RBA category certificate; and

Whereas, the case of Mr. Aftab Ahmad Sheikh was placed before the Review Committee constituted vide Government Order No.993-GAD of 2008 dated 21.07.2008 by the General Administration Department for review of suspension of police officers. The Committee in its meeting held under the chairmanship of Chief Secretary on 22.04.2014 considered the case of Mr. Aftab Ahmad Sheikh and made the following recommendations:-

"The Committee constituted vide Government Order No.993-GAD of 2008 dated 21.07.2008 discussed the agenda note alongwith facts related with the case and decided to re-instate Mr. Aftab Ahmad Sheikh, DySP on the following ground: -

An enquiry has been conducted into the issuance of the RBA certificate by the Dy. Commissioner, Poonch who forwarded his report to the Home Department that the RBA certificate issued in favour of Mr. Aftab Ahmad Sheikh S/o Mr. Ab. Salam Sheikh R/o Village Sailan Teh. Surnkote, Poonch is based on genuine grounds. Deputy Commissioner, Poonch is also the appellate authority in cases related to the issuance of RBA certificate. The Committee felt that since the officer has been placed under suspension for more than one year and investigation in the case has already been completed, there is no reason to keep the officer under prolonged suspension and recommended that the officer should be re-instated, with immediate effect."

\[\text{Signature}\]

\[\text{Date}\]
Whereas, the recommendations of the Review Committee forwarded by the General Administration Department to the Home Department vide U.O. No. GAD(Vig)28/2013 dated 07.05.2014 have been accepted by the competent authority and it has been decided to reinstate the officer, treat his intervening period of suspension as period spent on duty and close the enquiry contemplated against him.

Now, therefore, sanction is hereby accorded to the reinstatement of Mr. Aftab Ahmad Sheikh, DySP into service with immediate effect.

It is further ordered that the intervening period of suspension of the officer shall be treated as period spent on duty. Further, the enquiry contemplated against the officer vide O.M. No. Home/PB-I/14/2011/ 2733 dated 22.12.2011 is also closed.


Sd/-
(Suresh Kumar) IAS
Principal Secretary to Government
Home Department

No.Home/PB-I/14/2011
Dated: 16.06.2014.
Copy to:--
1. Principal Secretary to Hon’ble Chief Minister.
2. Director General of Police, J&K, Srinagar.
3. Secretary to the Government, General Administration Department.
4. Director, Vigilance Organization.
5. OSD to Hon’ble MoS, Home.
6. Concerned officer.
7. Private Secretary to Principal Secretary to the Government, Home Department.
8. I/C Website, Home Department.
9. Government Order file (w.3.s.c).
10. Stock file.

(Sarib Sahran)
Under Secretary to Government
Home Department