



Government of Jammu and Kashmir
Tourism Department Civil Secretariat
Srinagar/Jammu

Subject: Initiation of RDA against Shri Muhammad Shafi Kakroo, then Dy. Director Tourism, Kashmir (Registration).

Government Order No: -24 -JK(TSM) of 2024
Dated: -04 -03.2024

Whereas, General Administration Department vide OM bearing No. GAD(Vig)83-RDA/2017 dated 18.08.2017 forwarded a copy of letter bearing No. VO-Veri-ABP-33/2015-10730-31 dated 30.06.2017 received from Vigilance Organization, J&K, Srinagar (Now ACB) requesting therein to initiate RDA against Sh. Muhammad Shafi Kakroo, the then Dy. Director, Tourism, Kashmir (Registration) in accordance with J&K Civil Service (Classification, Control & Appeal) Rules, 1956.

Whereas, vide Government Order No. 393-TSM of 2017 dated 14.12.2017, Deputy Director Tourism (Registration), Kashmir, was appointed as Inquiry Officer to conduct in-dept inquiry into the complaint against Muhammad Shafi Kakroo, the then Deputy Director Tourism, Kashmir (Registration)

Whereas, the Inquiry Officer submitted report vide letter No. Reg/974/591/DTK dated 31.03.2018. The concluded para of the said inquiry report is as under:-

"Upon analysis of the available records, prima facie it couldn't be ascertained that the officer in-charge or the concerned staff had any malafide intention. However due to emergent nature of the job assigned and given the fact that the necessary arrangements had to be made within shortest possible time, a laxity in adhering strictly to financial norms in which pressing circumstances cannot be construed as a miscarriage of rules. However, the concerned officer/officials can be advised to be circumspect regarding adherence to financial norms in future. Further, the replies to be queries raised by VOK regarding following financial code/ norms in the case has been appropriately furnished by Director Tourism, Kashmir and Deputy Director, Recreation (AT) Pahalgam in various rejoinders. The same having been framed in light of provisions of the financial code/ rules, there doesn't seem to be any requirement of further clarification on the subject."



Government of Jammu and Kashmir
Tourism Department Civil Secretariat
Srinagar/Jammu

Whereas, after receiving the report submitted by the Inquiry officer, the department vide Government Order No. 291-TSM of 2018 dated 23.10.2018 read with Government Order No. 126-TSM of 2019 dated 24.04.2019 and Government Order No. 07-JK (TSM) of 2020 dated 10.01.2020 constituted a committee to examine the inquiry report submitted by the Inquiry Officer regarding initiation of RDA against Shri Muhammad Shafi Kakroo, the then Dy. Director, Tourism (Registration).

Whereas, the said committee submitted its report vide communication bearing No. DTJ/PS/Estt/1702 dated 07.03.2020 and recommended as under:-

"This committee after thoughtful deliberations is of the opinion that in absence of any documentary proof or any other substantive material, it shall not be appropriate to comment upon the "inquiry Report" already submitted by an inquiry officer and in case the competent Authority who has not take a call in the matter has some reservations with regard to the findings of the inquiry officer, rule provides for forwarding the said report alongwith entire case details to any organization like Anti Corruption Bureau (ACB), Crime Branch (CB) etc. as the case may be otherwise a thoughtful decision can be taken on the basis of the enquiry report submitted by the inquiry officer in the instant case".

Whereas, vide U. O dated 7.12.2020 the Department took up the matter with the Department of Law, Justice and Parliamentary Affairs for seeking expert opinion in the matter. In return, the Department of Law, Justice and Parliamentary Affairs opined as under:-

"The matter has been dealt by Tourism Department in a manner which has resulted in making the issue more complex. The imputation of charges prepared by Vigilance Organization have not been served upon the officer by the Inquiry Officer and report has been submitted which does not justify the variations of conclusions of Inquiry Officer from the report of Vigilance Organization (Now ACB). The said report was neither accepted nor rejected and a sub-committee was constituted to examine the report. Even after report of sub-committee has



Government of Jammu and Kashmir
Tourism Department Civil Secretariat
Srinagar/Jammu

been submitted no decision has been taken on preliminary fact finding report. The proper procedure could have been a regular Departmental Action by the Tourism Department by serving Articles of Charges, already forwarded by the Vigilance Organization. Recommendations of Vigilance Organization have been sent on 30.06.2017 to Tourism Department along with Articles of Charges, however, the officer has superannuated from service on 31.03.2019 and even after one year of his retirement, no departmental action has been initiated. Tourism Department has to take a decision on report of Enquiry Officer (Deputy Director Tourism) which is infact a fact finding report and take an appropriate action accordingly."

Whereas, Article 168-A of J&K CSR (Vol-I) in this behalf speaks as under:-

The Government reserves to itself the right to order the recovery from the pension of an officer of any amount on account of losses found in Judicial or Departmental proceedings to have been caused to Government by the negligence or fraud of such officer during his service provided that:-

- a) *Such Departmental proceedings if not instituted while the officer was on duty-*
 - i. *shall not be instituted save with the sanction of Government;*
 - ii. *shall be instituted before the officer's retirement from service or within a year from the date on which he was last on duty, whichever is later;*
 - iii. *shall be in respect of an event which took place not more than one year before the date on which the officer was last on duty;*
 - iv. *shall be conducted by such authority and in such places as the Government may direct;*
- b) *all such departmental proceedings shall be conducted if the officer concerned so requests in accordance with the procedure applicable to departmental proceedings on which an order of dismissal from service may be made; and (c) such judicial proceedings if not instituted while the officer was on duty, shall have been instituted in accordance with sub-clauses (ii) and (iii) of clause (a) above.*



Government of Jammu and Kashmir
Tourism Department Civil Secretariat
Srinagar/Jammu

Now therefore, as per the recommendations of the GAD (Vig) and in terms of Article 168-A of J&K CSR (Vol-I), it is hereby ordered that an amount of Rs. 16,080/- (Sixteen Thousand and Eighty Rupees Only) shall be recovered from Mr. Muhammad Shafi Kakroo (Retd) the then Deputy Director, Tourism, Kashmir (Registration) by the Director Tourism, Kashmir within a period of 30 days.

By order of the Government of Jammu and Kashmir.


Sd/-
(Yasha Mudgal)IAS
Commissioner/ Secretary to Government,

No: TSM/Estb/108/2022

Dated: 04.03.2024

Copy to the:-

1. Commissioner/Secretary to the Government, General Administration Department. This is in reference to the O.M No. GAD(Vig)83-RDA/2017 dated 18.08.2017.
2. Director Tourism, Kashmir, with the request to convey Action Taken Report in the matter.
3. Director, Anti Corruption Bureau (J&K).
4. Mr. Muhammad Shafi Kakroo, (Retd) then Deputy Director Tourism, Kashmir, (Registration).
5. P.A to Commissioner/Secretary to the Government, Tourism Department.


(Arshad Hussain Bhat)
Under Secretary to the Government