

**Government of Jammu and Kashmir
Mining Department
Civil Secretariat, J&K**

Subject: GEO & MG-NG-01/2020.
Ref. (i) Letter No. ACB-GEO&MG-NG-01/2020-5500-5503 dated:02-04-2022 received from Anti Corruption Bureau, J&K.
(ii) Letter No. 438-S/C-Adm/DGM/Complaint/F-32/339 dated: 29-07-2022, received from Director, Geology and Mining, J&K.

**Government Order No: 27-JK(MNG) of 2022
Dated: 23.08.2022**

Whereas, Mr. Akber Din S/o Noor Din R/o Zamboor Pattan (Uri) District Baramulla was engaged as Daily Wager in the Geology and Mining Department and his services were regularized as Helper vide Order No. C-Adm/DGM/Reg/94/593 dated: 12-02-1995.

Whereas, the date of birth of the official was recorded in the service book as 01-01-1966 as per the certificate issued by Government High School, Lagama Uri at the time of his regularization;

Whereas, on the basis of complaint received against disputed date of birth of the official, an Inquiry was conducted by the departmental Vigilance Officer, who submitted an Inquiry Report, the findings of which are mentioned as follows:-

- i) The school leaving certificate having admission No. 678 in respect of Sh. Akber Din S/o Noor-U-Din R/o Zamboor Pattan was cross-checked with school admission record from Principal, Government Higher Secondary school Uri and the name of the said official was not found anywhere in the school record.
- ii) The school admission No. 678 is recorded in the name of one Sh. Manjeet Kumar S/o Sh. Vishua Nath R/o Lagama, Uri.
- iii) As reported by Principal, Government Boys Higher Secondary School Uri, the name of Sh. Akber Din S/o Noor-U-Din R/o Zamboor Pattan, Uri does not exist in the school admission record.

Whereas, the Anti Corruption Bureau, J&K has also investigated the said matter and agreed with the inquiry report of DVO. Anti Corruption Bureau vide their communication NO. ACB-GEO&MG-NG/01/2020-5500-5503 dated: 02-04-2022 recommended as under:-

"In view of the above stated facts, it is submitted that for investigation of Criminal aspects, the matter stands referred to IGP Kashmir and the same is hereby referred for appropriate directions to the concerned Administrative Department for taking

Departmental Action under service rules regarding continuation on of service / lien by the official based on outcome of inquiry conducted by the DVO and also recover any excess salary paid to the official on account of illegal continuation in the Department. Record, if any course may kindly be had from Director Geology and Mining Department J&K...

Whereas, the matter regarding verification of actual date of birth of the said official was taken up by the Director, Geology and Mining, J&K with the Government High school Zamboor Pattan Uri and;

Whereas, the Head Master, Government High School Zamboor Pattan furnished the discharge certificate of Sh. Akber Din, details of which are reflected as under:-

Name of Candidate	Parentage	D.O.B
Shri Akber Din	Sh. Noor Din	01-01-1960 (first of January one thousand nine hundred sixty)

Whereas, it has been established by the Government High School Zamboor Pattan (Uri) that the date of birth of the official is 01-01-1960 instead of 01-01-1966 and;

Whereas, from the above facts, prima facie, it appears that a fraud has been committed by way of manipulation of actual date of birth which needs to be investigated and dealt-in, in accordance with the law and;

Whereas, in terms of Article 35-AA (d) of Jammu and Kashmir Civil Service Regulation, Vol-I, necessary correction in the date of birth needs to be made in the service book of the official as 01-01-1960 instead of 01-01-1966 and;

Whereas, in terms of Article 226 (I) of Jammu and Kashmir Civil Services Regulations 1956, Vol-I, every Government employee has to retire on attaining the age of sixty years which in this case would emerge as 31-12-2019 and;

Whereas, in terms of Government instruction No. 1 below Article 226(I) of Jammu and Kashmir Civil Services Regulations 1956, Vol-I, retirement of a Government servant is automatic on attaining the age of compulsory retirement and in absence of specific orders to the contrary by the competent authority, a Government servant must retire on due date and;

In view of the above facts and in terms of Article 35 AA(d) of J&K Civil Services Regulation-I, Article 226(I) of Jammu and Kashmir Civil Services Regulations 1956, Vol-I, read with Government Instructions below Article 226(i) and on the recommendation of Anti

Kashmir Civil Services Regulations 1956, Vol-I, read with Government Instructions below Article 226(i) and on the recommendation of Anti Corruption Bureau and Director, Geology & Mining, J&K, It is hereby ordered that:-

- i) Assistant Mining Engineer/DDO-III shall record the correct date of birth in the service book of Shri Akber Din, Helper, Geology and Mining Department as 01.01.1960.
- ii) Sh. Akber Din S/o Sh. Noor Din R/o Zamboor Pattan, Uri District Baramulla, presently working as Helper in the Geology and Mining Department, shall and shall always be deemed to have been retired from the Government service in the afternoon of 31-12-2019.
- iii) The excess salary and other illegitimate monetary benefits, if any, drawn beyond 31-12-2019 i.e. the period of his unauthorized overstay in service shall be recovered from the retired official under rules.

By Order of the Government of Jammu and Kashmir.

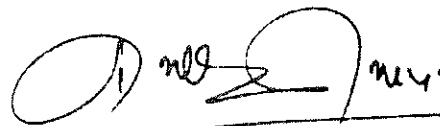
**Sd/-
(Amit Sharma), IAS
Secretary to the Government**

No: GM-MNG/111/2022-04-

Dated: 23.08.2022

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
2. Principal Accountant General, Kashmir
3. Inspector General of Police Crime Branch Kashmir. He is requested to kindly share the status of the instant case referred by the Anti Corruption Bureau.
4. Director, Geology and Mining, J&K.
5. Assistant Mining Engineer / DDO-III, Geology and Mining Department, Srinagar.
6. Private Secretary to Secretary to the Government, Mining Department.
7. Concerned Official
8. In charge Website, Mining Department.
9. Govt. Order file (w.3.s.c).



Under Secretary to the Government
Mining Department

23.08