

Government of Jammu and Kashmir
HEALTH & MEDICAL EDUCATION DEPARTMENT
HUMAN RESOURCE MANAGEMENT BRANCH
Civil Secretariat, J&K, Jammu.

Subject: Initiation of Regular Departmental Action against Mr. Ghulam Qadir Ganai (Sofi), the then Deputy Chief Medical Officer, Pulwama.

Government Order No 239-JK(HME) of 2021
Dated: 24 .03.2021

WHEREAS, vide O.M. No. GAD(Vig)52-RDA/2014 dated 29.08.2014, General Administration Department has forwarded a copy of letter No. SVO-Veri-ABP-30/2010-10884-86 dated 05.08.2014 alongwith draft article of charges, statement of imputations and gist of evidences as received from the Vigilance Organization, J&K (now Anti Corruption Bureau) with the request to initiate Regular Departmental Action against Mr. Ghulam Qadir Ganai, the then Deputy Chief Medical Officer, Pulwama, in accordance with J&K Civil Services (Classification, Control & Appeal) Rules, 1956;

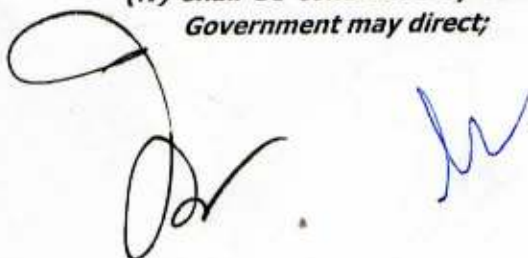
AND WHEREAS, vide this Department's letter No. HME/HRM/43/2014 dated 21.11.2014, Director, Health Services Kashmir was requested for furnishing the present status of Dr. Ghulam Qadir Ganai (Sofi), the then Deputy Chief Medical Officer, Pulwama within 05 days positively;

AND WHEREAS, after issuance of a chain of reminders, vide letter No. Es-3/1-133/3141 dated 12.01.2021, Director, Health Services Kashmir has intimated that Dr. Ghulam Qadir Ganai (Sofi), the then Deputy Chief Medical Officer, Pulwama stands retired from Government services on attaining the age of superannuation (58 years) on 31.12.2010 as per date of birth recorded in his service book;

AND WHEREAS, Article 168-A of J&K Civil Services Regulations Volume-I envisage as under:-

"168-A. 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; and***
- (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".*

AND WHEREAS, the Hon'ble Supreme Court of India in a judgment dated 01.03.1996 in case titled "**State of UP and Another Vs Shri Krishna Pandey**", opined as under:-

".....the departmental proceedings must be instituted before lapse of four years from the date on which the event of misconduct etc. had taken place. Admittedly, in this case the officer had retired on March 31, 1987 and the proceedings were initiated on April 21, 1991. Obviously, the event of embezzlement which caused pecuniary loss to the State took place prior to four years from the date of his retirement. Under these circumstances, the State had disabled itself by their deliberate omissions to take appropriate action against the respondent and allowed the officer to escape from the provisions of Rule 351-A of the Rules. This order does not preclude proceeding with the investigation into the offence and taking action thereon".

NOW, THEREFORE, in terms of Article 168-A of J&K Civil Services Regulations, Volume-I and as per the judgment of the Hon'ble Supreme Court of India in case titled "**State of UP and Another Vs Shri Krishna Pandey**", dated 01.03.1996, the case against Dr. Ghulam Qadir Ganai (Sofi), the then Deputy Chief Medical Officer, Pulwama is, hereby, closed.

By order of the Government of Jammu and Kashmir.


Sd/
(Atal Dulloo) IAS
Financial Commissioner
Health & Medical Education Department

No. HME/HRM/43/2014

Dated: 24-03-2021

Copy to the:-

1. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
2. Joint Secretary, (J&K), Ministry of Home Affairs, Government of India.
3. Commissioner/Secretary to the Government, General Administration Department.
4. Director, Archives, Archaeology & Museums, J&K, Jammu.
5. OSD with Advisor (B) to Hon'ble Lieutenant Governor.
6. Director, Health Services, Kashmir.
7. Private Secretary to the Financial Commissioner, Health & Medical Education Department.
8. Concerned officer.
9. Government Order file/Stock file/Website HME.


(Javaid Ahmad Malik)

Under Secretary to the Government
Health and Medical Education Department

