

GOVERNMENT OF JAMMU AND KASHMIR
DIRECTORATE OF FOOD, CIVIL SUPPLIES & CONSUMER AFFAIRS
KASHMIR

Sub: - **Promotion case of Mr. Sona ullah Dar, I/c Assistant Storekeeper**
R.No. 4498

Ref: - Decision taken in DPC meeting held on 13.05.2023

Order No.:- 737-DFCS&CAK of 2023

Dated: - 15-06-2023

WHEREAS, Mr. Sona-ullah Dar, Helper was trapped by VOK on 10.01.2007 and accordingly he was placed under suspension vide office order issued under endorsement No. DCAPDK/Adm/PFH-282 dated 16.01.2007. Later on, he was reinstated vide office order issued under endorsement No.DCA&PDK/Adm/PFH-282 dated 16.06.2007 subject to outcome of case FIR No.3/2007 P/S VOK. The intervening period of suspension was un-decided;

AND WHEREAS, the Assistant Director Pulwama vide letter No.FCS&CA/Pul/ Adm/22/7491 dated 20.01.2022 reported that Mr. Sona-ullah Dar has produced a copy of Judgment dated 16.10.2021 passed by the Hon'ble Court of Special Judge Anti Corruption (Additional & Sessions Judge) Pulwama in case of FIR No.03/2007 5(1) (d) r/w 5(2) PC Act 2006 and 161 PRC P/S VOK V/s Sona-ullah Dar S/o Ali Mohammad Dar R/o Bubhar Pulwama the then I/c K.oil Clerk in the office of Assistant Director CA&PD Department Pulwama, the operative part of the Hon'ble Court order reads as:-

"Having heard the submission made at the bar and after going through the evidence in the record, it is crystal clear that there is absolutely no evidence in the record regarding the demand or acceptance of money by accused and the materials on record when judged on the touch stone of the legal principles enumerated herein above, it leaves no matter of doubt that the prosecution in the instant case has failed to prove unequivocally the demand of illegal gratification. Therefore after the entire scrutiny of statement and documents and overall appreciation of the evidence on record and in the context of principles of the law and the submissions made in this behalf pertaining to the ingredients of the U/s 5(1) (d) r/w 5(2) PC Act 2006 and 161 PRC as stated in the forgoing paragraphs this court is of the considered opinion that the prosecution has failed to prove the charge against the accused beyond reasonable doubt. Accordingly, charges are held no proved against the accused.

The accused therefore, is acquitted of the charges framed against him and the accused is discharged of the bail and personal bonds. The seized property shall be returned to the concerned department after the statutory period of appeal is

over."

AND WHEREAS, the concerned official requested to decide the period of detention/ suspension from 10.01.2007 to 16.06.2007 as on duty and release of other service benefits in his favour;

AND WHEREAS, the matter was taken up with Anti Corruption Bureau, Srinagar Kashmir vide letter No.DFCS&CAK/Adm/Law-4265-68 dated 09.06.2022 followed by letter No. DFCS& CAK/Adm/Law-4891-97 dated 31.12.2002 with the request to intimate as to whether any appeal has been preferred in the matter;

AND WHEREAS, the Deputy Director Prosecution, For Director Anti Corruption Bureau, J&K Jammu vide letter No.ACB-FIR-03/2007-K-1060 dated 27.01.2023 reported that acquittal judgment dated 16.10.2021 has been accepted as final with concurrence of General Administration Department;

AND WHEREAS, the Assistant Director Pulwama recommended to decide the period of suspension from 10.01.2007 to 16.06.2007 as on duty except the period of detention from 10.01.2007 to 22.01.2007 as on leave whatever kind due to Mr. Sona ullah Dar as during the period of suspension, the said official was regularly attending his duties in the office of Assistant Director Pulwama;

AND WHEREAS, vide order No. 639 DFCS&CAK of 2023 dated 08.02.2023 the intervening period of suspension was treated as under:-

1. 10.01.2007 to 22.01.2007 detention period as on leave whatever was kind due to him.
2. 23.01.2007 to 16.06.2007 as on duty.

AND WHEREAS, due to pendency of case FIR No. 03/2007, one post of ASK was kept reserved in favour of Mr. Sona ullah Dar w.e.f. 08.10.2007 till finalization of case by the department as per the Departmental Promotion Committee minutes dated 08.10.2007.

AND WHEREAS, vide order No. 654 DFCS&CAK of 2023 dated 23.02.2023, Mr. Sona ullah Dar was placed as I/c Assistant Storekeeper with charge allowance and it was envisaged in the said order that to protect seniority of Mr. Sona ullah Dar, his promotions to the next higher grades shall take effect notionally from the dates, his counterparts have been promoted which shall be decided by the Departmental Promotion Committee (DPC) as and when convened;

AND WHEREAS, Mr. Sona ullah Dar was appearing at seniority No. 1697 in the seniority list of Class-IV category finalized vide order dated 15.02.2002 and one of his junior counterpart namely Mr. Abdul Rashid Malik, R.No. 4499 appearing at seniority No. 1699 in the seniority list of Class-IV category finalized vide order dated 15.02.2002 has been promoted as Assistant Storekeeper w.e.f. 08.10.2007, as Storekeeper w.e.f. 27.12.2018 and allowed to function as I/c TSO without charge allowance;

AND WHEREAS, the case of Mr. Sona ullah Dar was placed before the Departmental Promotion Committee meeting held on 13.05.2023;

Whereas, the DPC meeting dated 13.05.2023 examined the case of Mr. Sona ullah Dar and following decision was taken:-

“Cleared notionally from due dates his junior counterparts have been promoted i.e. as Assistant Storekeeper w.e.f. 08.10.2007 notionally upto 26.12.2018 and as Storekeeper notionally w.e.f. 27.12.2018 and monetarily from the date of issuance of formal order by the Director FCS&CA Kashmir subject to receipt of vigilance clearance from GAD vigilance”

AND WHEREAS, the Deputy/ Under Secretary General Administration Deptt vide Form No.192723 dated 05.06.2023 forwarded vigilance clearance of Mr. Sona ullah Dar through online mode reporting that there is nothing adverse against Mr. Sona ullah Dar S/o Ali Mohd Dar.

Now, therefore, in view of above and as recommended by Departmental Promotion Committee Meeting held on 13.05.2023, sanction is hereby accorded to the promotion of Mr. Sona ullah Dar R.No. 4498 as Assistant Storekeeper in the pay level of Rs. 19900-63200 L-2 w.e.f. 08.10.2007 notionally upto 26.12.2018 and as Storekeeper in the pay level of Rs. 25500-81100/- (L-4) notionally w.e.f. 27.12.2018 and monetarily with immediate effect.


Director

Food, Civil Supplies & CA Deptt.,
Kashmir

Dated: - 15 -06-2023

No.: - DFCS&CAK/Adm/B-X-25

Copy to the: -

1. Commissioner/Secretary to Government – Food, Civil Supplies & Consumer Affairs Civil Secretariat, J&K Jammu/Srinagar for favour of information.
2. Chief Accounts Officer – Food, Civil Supplies & Consumer Affairs Department, Kashmir, for information and necessary action.
3. All Deputy Directors/ Assistant Directors – Food, Civil Supplies & Consumer Affairs Department, Kashmir, for information and necessary action.
4. In-charge Departmental Website - Food, Civil Supplies & Consumer Affairs Department, Kashmir, for immediate uploading of the order.
5. Notice Board.