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**Government of Jammu and Kashmir
Public Works (R&B) Department
Civil Secretariat, Srinagar**

Subject: - WP (c) No. 4516/2020 & CCP (S) No. 78/2020, titled Nazir Ahmad V/s Khurhid Ahmad Shah & Ors.

**Government Order No: 210PW(R&B) of 2020
D a t e d: - 24-07-2020**

Whereas, Shri Nazir Ahmad Sheikh, the then I/c Assistant Engineer, R&B Department, Jammu was placed under suspension by the Chief Engineer, R&B Jammu vide order issued under endorsement No. CEJ/Estab./1506 dated 21.09.2019, following his arrest in the case FIR No. 22/2019 P/s ACB (J) against the Engineer by the Anti Corruption Bureau;

Whereas, the action taken by the Chief Engineer, R&B Jammu in the matter was confirmed by the Administrative Department vide letter No. PW(R&B)/HRM/30/2019-FIR dated 30.12.2019;

Whereas, Sh. Nazir Ahmad Sheikh, filed a writ petition WP (c) No. 4516/2020 before the Hon'ble High Court at Jammu for seeking direction for his reinstatement in light of the representation filed by him before the authorities and the judgment passed by the Apex Court in case titled Ajay Kumar Choudhary v/s Union of India;

Whereas, the Hon'ble High Court vide its order dated 28.12.2019 disposed off the petition with the direction to the respondents to consider the representation filed by the petitioner strictly under rules and in light of the above referred judgment (Supra) provided the same is applicable to the case of the petitioner;

Whereas, the department in light of the above judgment sought the latest status of the case from the General Administration department, for proceeding further in the matter;

Whereas, no response was received from the General Administration Department and in the mean time said engineer approached the Hon'ble High Court for initiation of contempt proceedings against the then Administrative Secretary PWD and the Hon'ble Court in its order dated 30.03.2020 gave two weeks time to the department to file the compliance report before the court otherwise respondent No. 1 to personally remain present in the court;

Whereas, the matter was again taken up with the General Administration Department to issue necessary instructions in light of the HHC Judgment & the contempt notice issued to this department;

Whereas, the General Administration Department in its review committee meeting held under the chairmanship of the Chief Secretary, J&K, on 22.06.2020 communicated vide its minutes issued under endorsement No. GAD(Vig)12/2019 dated 08.07.2020 that the department is required to revisit the case in light of the relevant regulation considering the fact that the case is pending against Nazir Ahmad Sheikh;

Whereas, vide this department's notification issued under endorsement No. PW(R&B)/G/03/2019 dated 11.12.2019 the accused engineer has attained age of superannuation on 31.03.2020;

Whereas, clause 168-D of Civil Services (Classification, Control & Appeal) Rules, 1956 provides for provisional pension to an officer against whom departmental or judicial proceeding is instituted and continues till his / her retirement and thereafter;

Now therefore, in compliance to the Hon'ble High Court Orders , the decision of the review committee of the General Administration Department & in accordance to clause 168-D of Civil Services (Classification, Control & Appeal) Rules, 1956, sanction is accorded for the release of provisional pension in favour of Shri Nazir Ahmad Sheikh, the then, I/c Assistant Engineer (Civil).

By order of the Government of Jammu and Kashmir

Sd/-

(Shailendra Kumar) IAS

Principal Secretary to the Government

No: PW(R&B)/HRM/30/2019-FIR

Dated: 24.07.2020

Copy to the:-

- 1 Joint Secretary (J&K), Ministry of Home Affairs, Government of India
- 2 Commissioner/ Secretary to the Government, General Administration Department.
- 3 Chief Engineer, PW(R&B) Department Jammu for necessary action under intimation to this department.
- 4 Additional Secretary (Legal) PW(R&B) Department for necessary action.
- 5 OSD to the Hon'ble Advisor (B).
- 6 Pvt. Secretary to the Principal/Secretary to Government, Public Works (R&B) Department.
- 7 Concerned
- 8 Government Order file/Stock file.
- 9 I/c Website PW(R&B) Department.

(Shahid Mahmood) KAS
Deputy Secretary to the Government