



Government of Jammu and Kashmir
Public Works (R&B) Department
Civil Secretariat, Kashmir/Jammu
(HRM Section)

Subject:- Accord of sanction for prosecution of accused public servant namely Ghulam Hassan Rather S/o Late Ghulam Mohammad Rather R/o Gojra, Shogapora, Budgam A/P Haknipora, New Colony, Budgam the then Assistant Executive Engineer, R&B Special Sub-Division Uri, for commission of offences punishable U/S 7 of the Prevention of Corruption Act, 1988, in Case FIR No. 29/2022 P/S ACB, Baramulla

Government Order No. 524 PW(R&B) of 2023
Dated: 26 .12.2023

Sanction is hereby accorded to the appointment of Er. Narinder Kumar, Superintending Engineer, North Srinagar as Inquiry Officer to enquire into the allegations levelled against the subject.

Er. Rayees Aslam, I/c Executive Engineer, PW(R&B) Construction Division Baramulla Kashmir shall be the Presenting officer.

The Inquiry Officer shall submit his report/findings to the Administrative Department along with recommendation within one month from the date of issuance of this order.

Any modification in posting shall not debar Inquiry Officer and Presenting Officer of performing their duties vide this order.

By order of the Government of Jammu and Kashmir

Sd/-

(Shailendra Kumar) IAS

Principal Secretary to the Government

Encls: 12 pages

No. PWD-HRM1/97/2023-05-PWD R&B DEPARTMENT (C.No. 7233093)

Dated 26 .12.2023

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. Director Anti Corruption Bureau, J&K.
4. Engineer in Chief J&K PW(R&B) Department.
5. Chief Engineer PW(R&B) Central Kashmir.
6. Er. Narinder Kumar, I/c Superintending Engineer, North Srinagar. The copy of memorandum along with article of charges/statement of imputation and other allied documents are also enclosed herewith for perusal and further action.
7. Er. Rayees Aslam, I/c Executive Engineer, PW(R&B) Construction Division Baramulla. The copy of memorandum along with article of charges/ statement of imputation and other allied documents are also enclosed herewith for perusal and further action.
8. Private Secretary to Principal Secretary to the Government, PW (R&B) Department.
9. Government Order file/Stock file/Monday Return.

(Dr. Zeba Suleman) JKAS

Under Secretary to the Government

1-1

Draft Article of Charges

Whereas, the case was registered against you (Er. Ghulam Hassan Rather), the then Assistant Executive Engineer, R&B Special Sub Division, Uri, by Police Station Anti Corruption Bureau, Baramulla on 17.11.2022 on a written complaint lodged by Raja Bhat S/o Ghulam Mohidin Bhat R/o Summerbugh, Lasjan Srinagar C/O Altaf Construction against Ghulam Hassan Rather S/O Late Ghulam Mohammad Rather R/O Gojra Shogapora Budgam, A/P Haknipora New Colony Budgam, for demanding bribe of Rs.1,15,000/- for release of bills against construction of work;

Whereas, you remained posted as Assistant Executive Engineer, R&B, Special Sub Division Uri, and executed work titled "Construction/widening of road from main road Choolan to Daragutlian upto Boslan" which was allotted to M/S Altaf Construction, Kanihamaa Nowgam, Srinagar and the complainant was executing said work on behalf of said firm from last two years.

Whereas, the then work done liability was about Rs.70 lacs with the department and the concerned Junior Engineer framed work done bill for about Rs. 59 lacs, but you demanded bribe of Rs.1,15,000/- for getting the bill cleared;

Whereas, on receipt of complaint, a discreet verification was conducted by Police Station ACB Baramulla through Inspr. Ashiq Hussain No. 7175/NGO to ascertain veracity of the complaint and on the basis of findings and recommendations of the Inquiry Officer, the instant case was registered U/S 7 of P. C. Act 1988 at P/S ACB Baramulla on 17.11.2022 and investigation taken up;


Whereas, the Anti Corruption Bureau, caught you red handed for demanding and accepting bribe in the form of two cheques amounting to Rs.50,000/- each bearing No. 624147 & 624148 of account No. CC-1058 and cash of Rs.15,000/-

Whereas, it has been established that you, the then AEE, R&B Special Sub Division Uri by use of your official position in the capacity of public servant demanded and accepted Rs.1,15,000/- as illegal gratification from the complainant for processing /release of payment to the tune of Rs.59,77,583/- against the work titled construction of road from main road Choolan to Daragutlian upto Boslan and has thus committed offence U/S 7 P.C Act, 1988.

Whereas, you have failed to maintain honesty and integrity in discharge of your official duties and have thus acted in a manner unbecoming of a public servant thereby violating the provisions of Rule (3) of J&K Government Employees, Conduct rules 1971

for which disciplinary proceedings are recommended as contemplated under rule 33 of J&K Civil Services (CCA) Rules 1956.

Now, therefore you are hereby called upon to furnish your reply to the above said charges within 21 days period of time from the issuance of the Article of charges failing which it shall be presumed that you have nothing to say in your defense


(Dr. Zeba Suleman)JKAS
Under Secretary to the Government

Shri Ghulam Hassan Rather,
the then Assistant Executive Engineer,
R&B, Special Division Uri



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

Computer No:- 7233093
NO. PWD-HRM1/97/2023-05
Dated. 18.10.2023

Memorandum

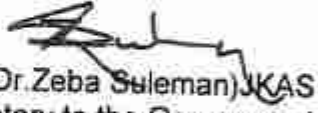
The Government proposes to hold an enquiry against you Shri Ghulam Hassan Rather, the then Assistant Executive Engineer, R&B, Special Division Uri. The substance of the imputation of misconduct in respect of which enquiry is proposed to be held is set out in the enclosed statement of Article of charges as Annexure-I. A statement of imputation in support of these charges is also enclosed as Annexure-II.

You, the then Assistant Executive Engineer, required to submit your reply within 21 days from the date of issuance of this memorandum, a written statement of defense and also to state whether you desire to be heard in person.

You are further informed that if you do not submit your written statement of defense on or before the date specified above, further action as warranted under rules shall follow ex-parte.

The receipt of this memorandum alongwith enclosures may be acknowledged.

Shri Ghulam Hassan Rather,
the then Assistant Executive Engineer,
R&B, Special Division Uri


(Dr. Zeba Suleman) JKAS
Under Secretary to the Government
Public Works R&B Department



**GOVERNMENT OF JAMMU & KASHMIR
ANTI CORRUPTION BUREAU, J&K – JAMMU**

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FINAL INVESTIGATION REPORT

1.	Case FIR No.	29/2022 P/S ACB Baramulla dated 17.11.2022
2.	Sections of Law	7 of PC Act 1988
3.	Name of the Accused	Ghulam Hassan Rather S/O Late Ghulam Mohammad Rather R/O Gojra Shogapora Budgam A/P Haknipora New Colony Budgam, the then Assistant Executive Engineer R&B Special Sub Division Uri.

4. Introduction/background:

The instant case was registered on 17.11.2022 on a written complaint lodged by complainant Waseem Raja Bhat S/o Ghulam Mohidin Bhat R/o Summerbugh, Lasjan Srinagar C/o Altaf Construction against Ghulam Hassan Rather S/O Late Ghulam Mohammad Rather R/O Gojra Shogapora Budgam A/P Haknipora New Colony Budgam, the then Assistant Executive Engineer R&B Special Sub Division Uri for demanding bribe of Rs. 1,15,000/- for release of bills against construction of work. Investigation of the case has been concluded as proved against accused public servant mentioned in column No. 3 above for commission of offence under section 7 of P.C. Act, 1988.

5. Contents of FIR:

Police Station Anti-Corruption Bureau received a written complaint from one Waseem Raja Bhat S/o Ghulam Mohidin Bhat R/o Summerbugh, Lasjan Srinagar C/o Altaf Construction against Ghulam Hassan Rather, the then Assistant Executive Engineer R&B Special Sub Division Uri stating/alleging therein that a work titled "Construction/widening of road from main road Choolan to Daragutlian upto Boslan" under R&B Special Sub-Division Uri had been allotted to M/S Altaf Constructions Kanihama Nowgam Srinagar and the complainant has been executing said work on behalf of said firm from last two years. The current work done liability

was about Rs 70 lacs with the department and in this regard, concerned Junior Engineer has framed work done bill for about Rs 59 lacs, but concerned AEE Ghulam Hassan Rather demanded bribe of Rs 1,15,000/- for getting it through. On 05.11.2022, complainant made a written representation to Executive Engineer R&B Special Sub-Division Uri, who too endorsed it to concerned AEE (R&B) Uri. The complainant tried to persuade accused AEE but he did not agree without payment of bribe and categorically told complainant to give him two blank bearer cheques of Rs 50,000/- each along with cash of Rs 15,000/-.

On receipt of complaint, a discreet verification was conducted by Police Station ACB Baramulla through Inspr. Ashiq Hussain No. 7175/NGO to ascertain veracity of the complaint and on the basis of findings and recommendations of the Enquiry Officer, the instant case was registered U/S 7 of P.C Act 1988 at P/S ACB Baramulla on 17.11.2022 and investigation taken up.

6. Pre-trap proceedings:

During course of investigation, a team of officers/officials of P/S Anti Corruption Bureau, Baramulla headed by Dy.SP Mohammad Rafi (as TLO) was constituted to lay instant trap. In order to ensure transparency during trap, services of independent witnesses were requisitioned from the office of Chief Education Officer Baramulla, where from Mr. Mohammad Ibrahim Sheikh (Teacher, GPS Sangrama) and Mr. Firdous Ahmad Antoo (Teacher, GMS Sangrama) were deputed to assist the trap team. The TLO contacted the complainant and advised him to remain available in the premises of District Hospital Baramulla along with bribe amount, besides the independent witnesses were also instructed by the TLO to remain available at Sangrama Chowk on Srinagar Baramulla NHW. After briefing by TLO, trap party left for Baramulla in two departmental vehicles. The trap kit bag, laptop, printer with power back up and other stationary items were taken along with. The trap team reached Sangrama Chowk and found independent witnesses waiting as per directions and proceeded towards District Hospital premises Baramulla. Meanwhile complainant Waseem Raja Bhat too reached in the premises of District Hospital Baramulla in Silver Colour Alto Car bearing registration No. JK01T-3988 driven by his partner Afaq Afzal Paul. Pre-trap proceedings were held in the parking space of District Hospital Baramulla in a departmental vehicle. During



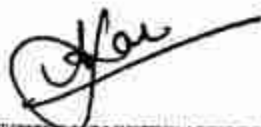
Constable Shabir Ahmad Bhat were sent to Hyderpora Chowk in vehicle No. JK01M-1663. Trap Laying Officer along with independent witness Mohammad Ibrahim Sheikh, Inspector Ashiq Hussain Banaday and Head Constable Riyaz Ahmad Bhat boarded vehicle No. JK02CL-6316 and kept close watch on the private car of complainant. After reaching near Bemina Crossing the complainant stepped down from his car and went towards fruit vendors. Meanwhile accused public servant came towards the complainant and both of them boarded back seat of Alto Car of complainant whereas his partner namely Afaq Afzal Paul was on the driving seat. Said car left towards Hyderpora on NHW Bypass and TLO along with independent witness Mohammad Ibrahim Sheikh, Inspector Ashiq Hussain Banaday and Head Constable Riyaz Ahmad Bhat followed them closely. TLO informed Inspector Irfan-ul-Hassan to be ready at Hyderpora Chowk. On way to Hyderpora, complainant sent SMS to Inspector Ashiq Hussain Banday "Follow till Hyderpora, he did his job". The vehicle of complainant in which they were travelling stopped at Hyderpora Chowk where from both complainant and accused stepped down. The accused public servant was carrying one black colour hand bag. Both started chatting on footpath in the meanwhile TLO stopped his vehicle and found Inspector Irfan-ul-Hassan with his party available there as per directions. Inspector Ashiq Hussain and Head Constable Reyaz Ahmad challenged the accused and caught hold of his arms. TLO gave his introduction to the accused AEE who resisted very hard and tried to free himself. With the assistance of SG Constable Jahangir Ahmad Rather and independent witness Mohammad Ibrahim Sheikh, the trap team was able to board him in a departmental vehicle bearing registration No. JK02CL-6361. Meanwhile, wife and son of the accused too came there as they were already waiting for him with car to take him home. They were perturbed by this development, but have been persuaded patiently by TLO. Being evening time and nearby shops were shut, post trap proceedings was impossible there, therefore, the accused was taken to nearest Police Station i.e. P/S Sadder Srinagar. SG Constable Jahangir Ahmad Rather replaced Inspector Ashiq Hussain Banday. Both Head Constable Riyaz Ahmad Bhat & SG Constable Jahangir Ahmad Rather were directed by TLO to ensure that the hands of accused do not touch with anything. TLO and independent witness Mohammad Ibrahim Sheikh kept close watch on them right up



to P/S Sadder Srinagar. Inspector Irfan-ul-Hassan, independent witness Firdous Ahmad Antoo and Constable Shabir Ahmad Bhat came in another departmental Vehicle bearing registration No. No. JK01M-1663. While as Inspector Ashiq Hussain Banday came with the complainant in his car to P/S Sadder Srinagar

8. Post trap proceedings:

During post trap proceedings, a solution of sodium Carbonate was prepared in a transparent glass by Constable Shabir Ahmad wherein at first instance, independent witness Mohammad Ibrahim Sheikh was asked to dip fingers of his both hands and on his doing so, colour of solution remained unchanged. Thereafter, accused public servant was asked to dip fingers of his both hands in the same solution and on his doing so, colour of solution turned pink. This pink colour solution thus obtained, was preserved in a transparent glass bottle, sealed with an adhesive tape under impression of an Iron Bolt and was labeled as (B). In this regard, demonstration memo 1st was prepared and signed by all team members. A cursory examination of complainant and accused was held on spot, wherein complainant revealed that after demand and acceptance of bribe in the form of two cheques amounting to Rs. 50,000/- each and cash of Rs. 15000/-, the accused put the same in his inner left pocket of his jacket worn by him. On this development, tainted amount of Rs. 15,000/- and said two cheques were recovered by TLO from inner left pocket of black colour jacket worn by the accused and handed over same to independent witness Firdous Ahmad Antoo. Serial numbers of these currency notes and cheques so recovered from the accused public servant were tallied by independent witnesses with number of notes and cheques recorded by them during pre trap proceedings and found them same. Consequently bribe amount/cheques recovered from accused public servant were seized under a separate seizure memo and signed by all witnesses. The plain sheet of paper on which serial numbers of bribe amount and number of cheques were recorded by independent witnesses during pre trap proceedings was also seized under a proper seizure as a vital piece of evidence and signed by all witnesses. Thereafter, another solution of Sodium Carbonate was prepared by Constable Shabir Ahmad Bhat wherein at first instance, independent witness Mohammad Ibrahim Sheikh dipped fingers of his both hands in



this solution of Sodium Carbonate and on his doing so, colour of solution remained unchanged. Consequent thereto, inner left pocket of black colour jacket worn by accused was dipped in the same solution and on doing so, colour of solution turned pink. This pink colour solution thus obtained was preserved in a transparent glass bottle, sealed with an adhesive tape under impression of Iron Bolt and labeled as (C). In this regard, demonstration memo 2nd was prepared on spot and signed by all witnesses. Said black colour jacket from which tainted amount and tainted cheques were recovered was also seized under a proper seizure memo and signed by all present.

During post trap proceedings, black colour leather handbag (Loggin) belonging to accused was searched wherein among other various documents, Letter No. AC/C&F/Works/109 dated 05.11.2022 of M/s Altaf Constructions, Kanihama Nowgam Srinagar addressed to Ex. Engineer R&B Special Sub-Division Uri regarding work done liability of the work namely (i) Construction/upgradation of road from Choolan to Daragutlian upto Bosian, (ii) Upgradation of road Hundi Nowshera Shallidajan. The letter is endorsed to AEE R&B Uri. (01 leaf) was found which pertains to work mentioned by complainant in his complaint and thus indicates occasion for demand of bribe by accused public servant. Said leather bag was also seized along with documents.

The accused public servant was accordingly taken into custody for commission of offence U/S 7 of Prevention of Corruption Act 1988 against proper arrest memo and his personal search was also conducted against proper memo. Iron bolt used as seal during pre and post trap proceedings was handed over to independent witness Mohammad Ibrahim Sheikh for safe custody against proper receipt with the direction to produce the same before investigating agency/Hon'ble court as and when required. Site plan of place of occurrence was also prepared on spot.

Further during the course of investigation, Assistant Engineer, PWD (R&B) Special Sub-Division Uri was requested to provide documents lying in Special Sub-Division



Uri regarding above mentioned work of the complainant. In response, documents pertaining to work were produced and accordingly seized against proper seizure memo. Investigation revealed that concerned JE has raised bill for Rs. 59,77,583/- against the work titled "construction/up gradation/widening of main road Choolan to Daragutlian upto Bosian" and he has also submitted its measurement book, works register and cross sections. The documents were pending for the action of accused public servant, as such, accused had an occasion to demand and accept bribe from the complainant.

During course of investigation statement of Afaq Afzal Paul who was associated with complainant as a driver and being an eye witness when bribe money changed hands between complainant and accused was recorded U/S 161 Cr.PC. Further, statement of complainant, independent witnesses and trap team members and other persons acquainted with facts of case were recorded who corroborated above discussed facts of the case. The accused public servant is presently on bail granted by the Hon'ble Court of Special Judge Anti-Corruption Baramulla.

CDR of Mobile number 7051623602 used by accused and 9906602711 used by complainant were obtained from concerned quarters along with certificate U/S 65-B Evidence Act and it was established that the accused was in constant touch with the complainant on the date of laying trap and prior to that.

9. Forensic Science Laboratory Reports/Expert opinion:

During course of investigation, exhibits of solution marked as "A", "B" & "C" were got resealed through Executive Magistrate 1st Class Srinagar and deposited in FSL Srinagar for chemical analysis. The FSL report received there from confirms presence of Phenolphthalein and Sodium Carbonate in all the exhibits.

Besides, during course of Investigation, the seized mobile Phone of accused was got sealed through Executive Magistrate 1st Class Srinagar. The said mobile phone was sealed by the Executive Magistrate on spot in a parcel marked as Exhibit "X" and forwarded to FSL Srinagar for Forensic analysis. The report along with certificate U/S 65-B of Evidence Act received from cyber section of FSL Srinagar



