



**GOVERNMENT OF JAMMU & KASHMIR**  
**Revenue Department**  
**Civil Secretariat, J&K, Jammu/Srinagar**

**Subject: Initiation of RDA against Mr. Shiv Kumar, the then Naib Tehsildar in Revenue Department (ACB-Veri-PRK-02/2014).**

**Government Order No. 60 -JK (Rev) of 2024**  
**Dated: 15 .05.2024**

Whereas; the General Administration Department, vide OM No. GAD(Vig)55-RDA/2020 dated 21.09.2020, on the recommendation of Anti Corruption Bureau, J&K Srinagar, received vide letter No. ACB/Veri-PRK-02/2014-11061-62, dated 13.08.2020, requested to initiate Regular Departmental Action (RDA) against Mr. Shiv Kumar S/o Paras Ram R/o Gatti Tehsil Bani, the then Naib Tehsildar in Revenue Department for illegally acquiring 8 marlas of land on lease for 99 years from Mohtamim Mandir, Mr Lekh Raj Padha and for getting the lease registered before Sub Registrar Bani in June 2010 by quoting wrong Khasra no (157) of the land in the lease deed, and also constructing the house on the said land without seeking prior necessary Government approval as mandated under rules;

Whereas; GAD's advisory vide OM No. GAD(Vig)55-RDA/2020 dated 21.09.2020 along with enclosures, including draft articles of charges, statement of imputations and gist of evidence, was forwarded vide this department's letter dated 28.10.2020 to the Financial Commissioner (Revenue), with the request to initiate RDA against Mr Shiv Kumar, the then Naib Tehsildar in Revenue Department.

Whereas; the Financial Commissioner (Revenue) vide letter No FC/Cord-Vig) 150-2021/CC No 30813 dated 19.07.2021 asked DC Kathua to conduct an enquiry into the charges as laid out in the articles of charges forwarded by the GAD through the Administrative department;

Whereas; during the course of enquiry, Deputy Commissioner, Kathua served a questionnaire upon the accused officer, and the latter in his reply thereof stated that he acquired the Mandir land on lease for a period of 99 years; but that he did so in a rightful manner and not by suppressing information relating to Khasra Nos of the land. He further affirmed that he purchased the land without seeking permission from the competent authority, but that he is not in breach of the employees service conduct rules as the relevant rules only state that the incidence of purchase of land has to be merely notified to the competent authority; and that there is no obligation cast upon the employees to seek prior approval from the competent authority, and further that he has been filing the annual property returns regularly;

Whereas; the Deputy Commissioner, Kathua vide letter No DCK/Adm/2021-22/1834-37 dated 22.12.2021 forwarded the report to the Divisional Commissioner, Jammu and Divisional Commissioner, Jammu vide No. 503/RDA/114831/1127-28 dated 18.07.2023 submitted the inquiry report to Financial Commissioner, Revenue.



Whereas; Financial Commissioner, Revenue, vide letter No. FCR(Cord-Vig)30813 dated 04.01.2024, forwarded the enquiry report to the Administrative Department and recommended that major penalty may be imposed against the delinquent officer in terms of rules 32 Sub Rule (2) of J&K CCA 1956;

Whereas; the findings of the IO have been examined in the department and it is observed that Mr Shiv Kumar acquired the Mandir land on lease when he was on training /probation, thereby, precluding any possibility of misuse by him of his official position to get the property in question on lease. Mr. Shiv Kumar, amongst others, acquired 8 marlas of land on lease for residential purpose without any absolute right in the property, being a lessee. Although the officer did not seek prior permission from the competent authority for acquisition of the property in question, he has regularly reflected the said property in the Annual Property Returns, thus, indicating absence of any malafide intention on his part. Furthermore, the act of mention of Khasra no. 157 instead of Khasra No. 158 in the lease deed was inadvertent, and a drafting error, as otherwise the actual Khewat and Khata numbers of the land would not have been mentioned in the deed. If there had been a malafide intention on the part of the officer, Tatima bearing actual Khasra number would also not have been attached with the deed. Furthermore, the error in the lease deed was later got rectified on 11.04.2019. Accordingly, in the totality of the circumstances, it is observed that there is no sufficient and good cause or reason to proceed against the officer.

Now, therefore, in light of the reasons referred hereinabove, Mr. Shiv Kumar, the then Naib Tehsildar, Revenue Department, presently posted as Tehsildar J&K Special Tribunal, Jammu is, hereby, exonerated of the charges leveled against him.

**By order of the Government of Jammu and Kashmir.**

**Sd/-**  
**(G Prassanna Ramaswamy) IAS**  
Secretary to the Government  
Dated: 15 .05.2024

No. REV-RDA/06/2023(7214698)

Copy to the:

1. Financial Commissioner (Revenue), J&K.
2. Principal Secretary to the Hon'ble Lieutenant Governor.
3. Joint Secretary (JKL) Ministry of Home Affairs, GOI New Delhi.
4. Commissioner/ Secretary to the Government, General Administration Department
5. Divisional Commissioner, Jammu.
6. Deputy Commissioner, Kathua.
7. OSD to Advisor(B) to Hon'ble Lieutenant Governor
8. Private Secretary to the Secretary to the Government Revenue Department.
9. Concerned Officer.
10. Incharge Website
11. Government Order file/Stock file.

  
(Surjeet Singh) 15/05/2024

Under Secretary to the Government