

**Government of Union territory of Jammu & Kashmir**  
**Office of the Financial Commissioner (Revenue)**

www.jkfcrr.nic.in Email: jkfinancialcr@gmail.com Fax No. 0194 -2452234 Tel- 0191-2470212

**Subject:- Regular Departmental Action (RDA) against Sh. Mohinder Kumar, the then Patwari Gharota, Tehsil and District Jammu (Verification No. 96/2016).**

Order No. 30-FC (Rev) of 2024

Dated:- 03.06.2024

1. Whereas, the General Administration Department vide Communication No. GAD(Vig)87-RDA/2017 dated 18.08.2017 forwarded a copy of Vigilance Organization Letter No. VO-Veri-JMS-96/2016-11141-42 dated 06.07.2017 to Revenue Department with the direction to initiate Regular Departmental Action (RDA) against Sh. Mohinder Kumar, the then Patwari Gharota, District Jammu for illegal entry in the year Rabi 2012 of land measuring 02K-08M in the cultivation column of Girdawar register of village Gharota District Jammu conferring undue benefit upon beneficiaries and has not followed the circular instruction No.FC/LS/Misc/1648/97 dated 22.12.1997; and
2. Whereas, the RDA was initiated against the delinquent official and the charge sheet was served upon the delinquent official by Dy. Commissioner vide letter no. 8741-Comp-Rev-Adm-48-18-2019 dated 20.09.2019; and
3. Whereas, the reply of charged official to the Article of Charges was considered by the Deputy Commissioner, Jammu and on it being found unsatisfactory, the Deputy Commissioner, Jammu appointed Sub Divisional Magistrate, Jammu North as Enquiry Officer and Tehsildar Bhalwal as Presenting Officer vide order dated 13.10.2022 read with order dated 20.10.2022; and
4. Whereas, the enquiry report submitted by the Inquiry Officer vide his communication dated 17.12.2022, established that the charged official changed the Girdawari entry in the name of Balbir Singh s/o. Ajit Singh by deleting the names of Hari Chand and Mani Ram in respect of land measuring 2 K 08 M without seeking approval of Tehsildar concerned therefore violating the circular instructions but stated that since he has not conferred any undue benefit as the person was already in possession, he may be let off with a warning;
5. Whereas, Deputy Commissioner, Jammu has recommended suitable penalty for procedural flaws, the Divisional Commissioner, Jammu has recommended major penalty since there is been clear violation by the delinquent official; and
6. Whereas, the matter has been examined in this office and it has been observed by the competent authority that Change of Girdawari in violation of the instructions of the supervisory officers and standing orders is a clear case of disobedience; the competence for effecting any change in the girdawari was only of the Tehsildar and there is a definite reason for conferring such authority upon a Tehsildar by the standing orders/ circulars. Further, as per the inquiry report, the

land was already in physical possession of the person and therefore the IO has concluded that the change of entry has not led to any undue benefit to the said person; however, this conclusion is flawed since such unauthorized entries have the potential of misuse and often are basis for indulging in corrupt practices; moreover, such entries, despite being non-est and void ab initio as the same amount to an order of an authority who is not competent, do have currency till formally set aside, causing the interested parties to get involved in litigation. As a patwari, it was very much his bounden duty to ensure sanctity of the records and make any changes strictly in accordance with the laws, rules, and orders of the supervisory officers; however, rather than being a protector, he has himself acted unauthorizably, grievously impairing public faith in the established systems.

7. Now, therefore, the official is held to be guilty of misconduct as charged and taking into consideration the nature of misconduct, penalty of with-holding of two increments with cumulative effect and promotion, is imposed upon Sh. Mohinder Kumar, then Patwari Gharota, District Jammu in terms of Rule 30, J&K Civil Services (Classification, Control and Appeal) Rules, 1956.

**By order of the Financial Commissioner (Revenue) J&K.**

Sd/-

**(Shaleen Kabra) IAS**

Financial Commissioner (Revenue)

J&K

Dated: 03.06.2024

No: FCR-CORD/195/2023(7181782)

Copy to the:

1. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
2. Principal Accountant General, J&K
3. Joint Secretary (J&K) Ministry of Home Affairs, Government of India, New Delhi.
4. Commissioner/ Secretary to the Government, General Administration Department.
5. Director Anti-Corruption Bureau, J&K
6. Secretary to the Government, Revenue Department, J&K.
7. Divisional Commissioner, Jammu.
8. Director Archives, Archaeology and Museums, J&K.
9. Deputy Commissioner, Jammu who shall ensure that the necessary effect is carried out, in accordance with this order and compliance reported within 7 days.
10. OSD with Advisor (B) to Hon'ble Lieutenant Governor.
11. PA to FCR for the information of Worthy Financial Commissioner Revenue J&K.
12. Concerned.
13. I/C Website for uploading the order on the website of FCR.
14. Office order file.

**(Dr. Tahir Firdous)JKAS**

Additional Commissioner (Central)

with Financial Commissioner (Revenue)

J&K