

Government of Jammu & Kashmir  
Directorate of Health Services Kashmir  
Old Secretariat Srinagar  
Visit us at [www.kashmir health.org](http://www.kashmir health.org)

Subject: - Reinstatement of Abdul Majid Mir Head Pharmacist, Block Larnoo District Anantnag and settlement of intervening period thereof.

References:-

1. Order and Judgment Dated:-25.04.2018 passed by the Hon'ble Court of Special Judge Anti-Corruption Srinagar:
2. Chief Medical Officer Anantnag's Letter No.Est/II/Phrm.Susp/6796-97 Dated:-13.11.2018.
3. Block Medical Officer Larnoo's Letter No.Est/BMO/L/968 Dated: - 12.11.2018.

ORDER NO:- 1050 /NG OF 2018  
D A T E D:- 14 / 12 / 2018

Whereas, one Mr. Abdul Majeed Mir Head Pharmacist of Block Larnoo District Anantnag had proceeded on Earned Leave for a period of 15 days with effect from 13.02.2014 to 27.02.2014 duly sanctioned by Block Medical Officer Larnoo in terms of Order No.578-79 Dated:-17.02.2014.

Whereas, after availing the aforesaid earned leave, the official failed to resume back to his legitimate duties instead proceeded on un-authorized absence without any kind of leave or permission w.e.f 28.02.2014.

Whereas, in the meantime, the Crime Branch Kashmir vide their Comminque No.CBK/BOPEE/1651 Dated:-14.02.2014 and No.CR/BOPEE/1714 Dated:-20.02.2014 had sought presence of aforementioned official vis-à-vis presence of his daughter and son before the Investigating Agency, after he had earlier failed to respond to the communication of said investigating agency.

Whereas, the Block Medical Officer, Larnoo, in pursuance to the communication received from Crime Branch Kashmir had informed aforesaid official through wireless message vide No.9138-39 Dated:-21.02.2014 to attend the office of the said investigating agency but same had evoked no response.

*Sund*  
*14/12/18*  
*10*  
Whereas, the Block Medical Officer Larnoo issued show cause notice upon the said Head Pharmacist on his residential address affording him an opportunity to resume his duties but the said official neither resumed his duties nor responded to the show cause notice and remained on unauthorized absence.

Whereas, the official had failed to reply to the show cause notice and was accordingly placed under suspension by the Block Medical Officer Larnoo vide Order No.604-05 Dated:-03.03.2014 for resorting to unauthorized absence from duties willfully from 28.02.2014.

Whereas, a Committee comprising of the then Assistant Director Health Services Kashmir and then Chief Medical Officer Srinagar was constituted in terms of this office Order No.168/NG of 2014 Dated:-22.05.2014 to enquire into the unauthorized absence of aforementioned official and consequently the official was charge sheeted by this office in terms of No.Est/NG/1232-35 Dated:-22.05.2014 thereby affording him time of 07 days to explain his position with regard to his unauthorized absence.

Whereas, in suppression of all earlier orders, the aforementioned official was placed under suspension from the date he had absconded from his legitimate duties viz 28.02.2014 vis-à-vis after evading his arrest at the hands of Crime Branch Kashmir regarding his involvement in the case of FIR No.24/2013 P/S Crime Branch Kashmir under section 420, 120-B RPC r/w 5 (2) P.C. Act. (MBBS Selection) in terms of this office Order No.167/NG of 2014 Dated:-22.05.2014.

Whereas, neither reply nor response was evoked from the aforementioned Head Pharmacist with regard to the chargesheet served upon him at his residential address.

Whereas, a Final Notice was served to the official at his residential address and a copy thereof was too published in the Daily Newspaper of Kashmir Uzma in its edition Dated:-21.06.2014 thereby giving him last and final opportunity to reply to the notice within a period of 07 days positively in terms of this office No.Est-II/NG/1281-84 Dated:-18.06.2014.

Whereas, the said official had surrendered himself before the Hon'ble Court of Special Judge Anti Corruption Srinagar and was lodged in the jail on 26.06.2014 in the Case FIR No.24/2013 under section 420,406,201,120B RPC, 5(2) PC Act of Police Station Crime Branch Srinagar by the order of Hon'ble Court of Special Judge Anti Corruption Srinagar and consequently was released from jail on 18.12.2014 on bail as per the Lodgement Certificate of Superintendent Central Jail Srinagar.

Whereas, the official furnished his reply/response to the Final Notice that was published in Daily Kashmir Uzma on 21.06.2014 which had been received by this office interms of Reciept No.3242 Dated:-28.06.2014.

*Handwritten signature and date:*  
14/12/18  
LO  
A



Whereas, Chief Medical Officer Anantnag in terms of comminque No.est/III/5708-09 Dated:-26.12.2014 while enclosing comminque of Block Medical Officer Larnoo mentioned therein that the official had reported his arrival in his office on 24.12.2014 and accordingly had sought necessary directions from this Directorate with regard to his joining back at Block Larnoo.

Whereas, this office in terms of comminque No.Est/II/BOPEE/187-91 Dated:-14.05.2015 asked Chief Medical Office Anantnag to allow Abdul Majeed Head Pharmacist to resume his duties with immediate effect and also release his subsistence allowance as per rules governing the field.

Whereas, Hon'ble Court of the Special Judge Anti-Corruption Srinagar in terms of Order and Judgement Dated:-25.04.2018 in the case titled State V/S Mushtaq Ahmad Peer & Ors passed an Order and Order of the Hon'ble Court so far as it pertains to the accused is reproduced as below:-

*"As regards accused Mir Wajid Majeed, Mir Danish Majeed and Abdul Majeed Mir, the charges against them that they got question papers through their relative accused Sadam Farooq and also shared the consideration amount is not supported by any direct evidence. The circumstances pressed into service against them included the call detail reports (CDRs) and also the testimony of a witness Manzoor Ahmad Wani with whom they had struck a deal initially but then left hurriedly after getting to information that accused Farooq Ahmad Shah the brother-in-law of accused Abdul Majeed Mir had already got the same. PW-16/SC-1 Manzoor Ahmad Wani has turned hostile. The call detail reports of the cell number used by accused-29 Abdul Majeed Mir reflect a confusing picture since the calls are not recorded in chronological order which shouldn't have been the case in the automated process. The cell number attributed to accused-21 Farooq Ahmad Shah is also not in latter's name but is shown be in the name of PW-28/SC-1 Mohd. Yousuf Dar. There is no clear evidence to the effect that they shared the papers or the amount of consideration. So, there is no evidence worth mentioning to substantiate the charges against the three of these accused persons except that they happened to be close relatives of accused-21 Farooq Ahmad Shah. As regards to the other accused persons namely accused-27 Mir Wajid, accused-28 Mir Danish and accused-29 Abdul Majeed Mir, accused-33 Hilal Ahmad Shokli, accused-42 Mohammad Saleem Mir, accused-43 Afroza Akhter, accused-45 Naresh Kumar Pandita and accused-46 Saima Hussain, the evidence on record is not sufficient to connect them with the illegal acts they are charges with. They are acquitted accordingly by extending the benefit of reasonable doubts."*

Whereas, this office in terms of letter No.Est-II/NG/HP/50/3380 Dated:-30.08.2018 took up the matter with Inspector General of Police, Crime Branch J&K Srinagar to verify whether any appeal has been preferred by the State before the appropriate forum against the Judgment passed by the Hon'ble Court of Special

Judge Anti Corruption Srinagar in the case titled State through P/S Crime Branch Kashmir (CBK) Srinagar V/S Mushtaq Ahmad Peer & Ors-reg. BOPEE Scam.

Whereas, in response Inspector General of Police State Crime Branch, Headquarters, J&K Srinagar in terms of comminque No.CHQ/FIR/24/13/CBK/11476 Dated:-15.09.2018 submitted that no any appeal against judgment dated:-25.04.2018 passed by the Hon'ble Court of Special Anti Corruption Srinagar has been preferred in Higher Forum by the State of J&K.

Now, therefore, in view of the above narrated details and in pursuance of the order/judgment Dated:-25.24.2018 passed in the case titled titled State V/S Mushtaq Ahmad Peer & Ors coupled with the recommendation made by the Chief Medical Officer Anantnag and Block Medical Officer Larnoo vis-à-vis in terms of Sub-Rule (3) of Rule-31 of J&K Classification Control and Appeal Rules of 1956. It is hereby ordered that services of Mr. Abdul Majeed Mir Head Pharmacist (Suspendee) Block Larnoo District Anantnag is hereby reinstated with immediate effect and his intervening period of suspension is treated as on duty except from 01.03.2014 to 25.06.2014 & 19.08.2015 to 14.11.2015 which have been already treated and decided postfactively as Earned and Medical Leave respectively by Block Medical Officer Larnoo.

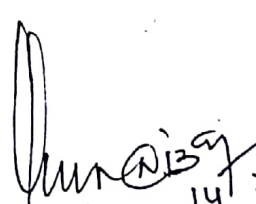
Sd/-  
Director Health Services  
Kashmir

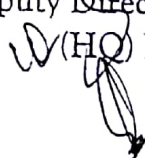
Est/II/NG/HP/50/4518-25

Dated: -14 /12/2018


Copy to:

01. Principal Secretary to Govt. H & ME Department, J & K, Jammu.
02. Chief Accounts Officer, DHSK
03. Chief Medical Officer, Anantnag.
04. Block Medical Officer Larnoo.
05. Section Officer, DHSK
06. PA to DHSK for kind info. of Director
07. Concerned Pharmacist.
08. I/C Website Barzulla Srinagar.

  
Deputy Director Health Services  
W(HQ) Kashmir

  
14/12/18

  
14/12/18

  
14/12/18