

**Government of Jammu and Kashmir**  
**OFFICE OF THE LABOUR COMMISSIONER**  
**Shram Bhawan-Railway Road, Jammu-180004 (winter: Nov-April) Near General Bus**  
**Stand, Batamaloo Srinagar-190009 (summer: May-Oct)**  
[\*\*\(ijklcoffice@gmail.com\)\*\*](mailto:ijklcoffice@gmail.com)

**Subject: Suspension of Mr. Abdul Hamid Akhoon, Senior Assistant.**

**O R D E R N O. 165 LC OF 2017.**

**D A T E D: - 08 -09-2017.**

Whereas, a Departmental type test of Class-IV employees (orderlies) of the labour Department was conducted on 20<sup>th</sup> of October 1999 for consideration of their promotion to the post of Junior Assistant;

Whereas, in the above mentioned type test the following orderlies appeared: -

1. Mohammad Saleem Zargar.
2. Mohammad Zaffar-ullah Shah.
3. Bashir Ahmad Beigh.
4. Sham Lal.
5. Piaray Lal Raina.
6. Ghulam Mustafa.
7. Gh. Ahmad Bhat.
8. Maqsood Ahmad Shah.

Whereas, after evaluation only one official namely Sh. Bashir Ahmad Beigh appearing at serial No. 3 secured 32 marks out of 50 marks and was selected as Junior Assistant on the basis of his performance in the type test;

Whereas, Sh. Bashir Ahmad Beigh was promoted to the post of Junior Assistant vide order No. 137-LC of 1999 dated 28.08.2010 under endorsement No. LVC/Estt/562-64 dated 28.10.1999;

Whereas, Mr. Mohammad Zaffar-ullah Shah filed an application under RTI Act dated 08.03.2014 i.e. after a lapse of more than 14 years requesting PIO to provide him the information regarding the type test of Class-IV employees conducted on 29.10.1999 and the original question papers utilized for the type test;

Whereas, on the basis of the record available in this office, the Public Information Officer (PIO) vide No. LC/Estt/RTI/2014/274 dated 21.04.2014 informed the applicant that no type test of Class-IV employees was conducted on 29.10.1999, however, the information about the Class-IV employees who appeared in the type test on 20.10.1999 was provided to Mr. Zaffar-ullah Shah;

Whereas, after being aggrieved of the reply of the PIO, Mr. Zaffar-ullah Shah filed an appeal before the Ist Appellate Authority i.e. Labour Commissioner, J&K on 23.03.2016;

Whereas, the Ist Appellate Authority i.e. Labour Commissioner, J&K issued notice to the PIO (Assistant Labour Commissioner, Central) and Mr. Mohammad Zaffar-ullah shah, directing them to appear before the Ist Appellate Authority on 20.04.2016;

Whereas, the Ist Appellate Authority vide order No. LC/Estt/RTI/2016/469-70 dated 25.04.2016 directed the PIO (Assistant Labour Commissioner, Central) to provide information on record to the appellant within a period of 10-days positively as per the provisions of the RTI Act, 2009;

Whereas, in pursuance to the directions given by the Ist Appellate Authority, the Public Information Officer, provided evaluation sheets pertaining to Sh. Bashir Ahmad Beigh and Mr. Mohammad Zaffar-ullah Shah (the information seeker) which were without any date;

Whereas, after obtaining the said information, Mr. Mohammad Zaffar-ullah Shah filed SWP No. 476/2016 dated 17.03.2016 in the Hon'ble High Court, claiming that he had secured higher marks i.e. 33 out of 50 than Sh. Bashir Ahmad Beigh who had obtained 32 marks out of 50 marks;

Whereas, the Hon'ble High Court of J&K in the case titled Mohammad Zaffar-ullah Shah Vs. State of J&K and Others on 14.03.2016 was pleased to pass the following order:

***"Notice.  
In the CMP as well.  
In the meantime representation of the petitioner shall be considered.  
List after service."***

Whereas, the Hon'ble high court was again pleased to pass the following orders on 10.04.2017:

***"Considered. Admit  
Post admission notice waived by Mr. Khan, AAG on behalf of respondents.  
Counter affidavit within 3 weeks.  
Ld. Counsel shall furnish a copy of supplementary affidavit alongwith annexures to the Id. AAG.  
List immediately after 3 weeks in the regular cause list.  
Copy of this order be supplied to the Id. AAG."***

Whereas, the record pertaining to type test conducted in October 1999 was examined and the following discrepancies were observed:-

- i. Award roll submitted by the examiner along with answer scripts is missing.
- ii. The answer sheet of Mr. Mohammad Zaffar-ullah Shah does not bear the signature of the examiner & as such appears to have been inserted subsequently in connivance with the official having the custody of record.

- iii. The manner of examination by the examiner is different in the case of Mr. Mohammad Zaffar-ullah Shah when compared with the remaining 7 candidates.
- iv. There is perceptible change in the quality and age of the answer script of Mr. Mohammad Zaffar-ullah Shah when compared with the answer scripts of rest of the candidates.

Whereas, it is prima facie established that the official record has been tempered with in connivance with the official having the custody of the relevant record for which a detailed enquiry is warranted;

Whereas, Mr. Abdul Hamid Akhoon, Senior Assistant is the custodian of the relevant record since November 2010;

In view of the above, Deputy Labour Commissioner (Central) is appointed as enquiry officer to conduct an enquiry into the matter on the issues of: -

- a. Misplacement of Award Roll submitted by the examiner alongwith answer scripts.
- b. The change in the quality and age of the answer scripts alongwith manner of examination by the examiner.
- c. Reasons of non affixation of signatures on the answer script of Mr. Mohammad Zaffar-ullah Shah.

Now, with a view to conduct a fair and impartial enquiry into the matter, Mr. Abdul Hamid Akhoon, Senior Assistant, who is the custodian of the relevant records of the establishment section till date during which the alleged fraud has been committed, is hereby placed under suspension. He will remain attached in the office of Assistant Labour Commissioner, Budgam and will appear before the enquiry officer as and when summoned by him.



**(Dr. Abdul Rashid), KAS  
Labour Commissioner,  
J&K Govt. Srinagar.**

No. LC/Estt/Gen/2017/835-40.

Dated: - 08-09-2017.

Copy to the: -

1. Commissioner/Secretary to Government labour and Employment Department, Civil Secretariat, Srinagar for kind information.
2. Deputy Labour Commissioner, Central for information and necessary action.
3. OSD to the Hon'ble Minister for Finance, Labour and Employment for kind information of the Hon'ble Minister.
4. Assistant Labour Commissioner Budgam for information and necessary action.
5. Sh. Abdul Hamid Akhoon, Senior Assistant for compliance.
6. Concerned file.