

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR
(Chief Justice's Secretariat)

Subject: Complaint regarding financial irregularities committed in the Court of Munsiff (JMIC), Banihal.

O R D E R

No: 1383 of 2024/psy

Dated: 06/09/2024

Whereas, Principal District & Sessions Judge, Ramban vide his communication No. 388-40/Adm dated 17.05.2024, informed this Secretariat about financial irregularities to the tune of Rs. 2,78,750/- committed by Shri Zahoor Ahmad Parray, Sr. Assistant/Reader in the Court of Munsiff (JMIC), Banihal, during the financial year 2022-2023. The said financial irregularities were actually reported by Munsiff, Banihal to learned PDSJ Ramban.

Whereas, the report of learned Munsiff, Banihal, was placed before Hon'ble the Chief Justice for soliciting orders and his Lordship was pleased to appoint Chief Judicial Magistrate, Ramban as an enquiry officer, to hold fact finding enquiry in the matter and submit his report to this Secretariat in a time bound manner.

Whereas, learned Chief Judicial Magistrate, Ramban held the fact finding enquiry and filed his report, the operative portion of which is reproduced as under:

"During the course of fact finding enquiry the statements of the Nazir namely Shokat Ali Sohil and Process Server namely Mohammad Iqbal Sohil who are presently working in the office of Ld. Munsiff JMIC, Banihal have been recorded separately wherein both the witnesses have deposed the same thing which was noticed from the perusal of the record and are annexed herewith the fact finding enquiry for your kind perusal.

On the basis of the reply submitted by the concerned Clerk to the show cause notice, physical verification of the record and the statements of the Nazir and Process Server presently posted/working in the office of Ld. Munsiff JMIC, Banihal, I am of the opinion that discrepancies of Rs. 2,78,750/- in the account of amount collected under various heads and the amount remitted to Govt. Treasury by the concerned Clerk Sh. Zahoor Ahmad Paray, Sr. Assistant the then Reader dealing with the Nazarat Section of Munsiff JMIC, Banihal w.e.f. July 2022 to May 2023, though without any written order from the Presiding Officer of the that Court, the financial irregularities/fraud on the part of the concerned clerk cannot be ruled out. Hence, with these observations the fact finding enquiry report along with the record is submitted to your goodself for further necessary action please."

Whereas, during the course of an enquiry, the Delinquent Official was asked to file his reply in the matter, which he filed. In his reply the Delinquent Official admitted the commission of financial irregularities by him and also stated that he tried to deposit the amount so misappropriated in the Government Treasury but was not allowed to do so and sought permission to deposit the

same, though he claimed that the said financial irregularities were committed unintentionally due to lack of knowledge of Nazarat work, since no written order was issued to him to function as Nazir of the Court.

Whereas, the fact finding report submitted by the enquiry officer (CJM Ramban) and the reply of the Delinquent Official filed by him before the enquiry officer, wherein he admitted the financial irregularities, was placed before the Competent Authority, i.e Hon'ble the Chief Justice (A) for soliciting orders and his lordship being satisfied with the enquiry conducted by the enquiry officer and the procedure followed in the case arrived at the decision of imposing minor penalties under Rule 30 of the J&K Civil Services (Classification, Control and Appeal) Rules, 1956 upon the Delinquent Official as pecuniary loss has been caused to the Government exchequer due to negligence of the official.

Now, therefore, in terms of Rule-30 (v) (iii) of the J&K Civil Services (Classification, Control and Appeal) Rules, 1956 the below mentioned penalties are imposed on Zahoor Ahmad Paray, Sr. Assistant in the Fast Track Court, Ramban (Delinquent Official) with immediate effect:

- i. Recovery of Rs. 2,78,750/- and deposit of the same in the Government Treasury.
- ii. Withholding of two increments (*without cumulative effect*) for the years 2025 & 2026 and is also debarred from further promotion for a period of three years, w.e.f. the date of issuance of this order. Besides, a warning is hereby issued to him to remain careful in future.
- iii. The official is at liberty to make a representation against the punishment within the 15 days from the issuance of this order.
- iv. Munsiff Banihal is directed to ensure recovery and subsequent deposit of the above said amount by the D.O. in the Government Treasury. The receipt so obtained be forwarded to this Secretariat after proper authentication.

By order of the Hon'ble the Chief Justice (A).


(M. K. Sharma)

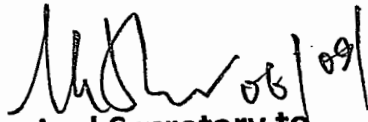
**Principal Secretary to
Hon'ble the Chief Justice**

No : 1323-32/Sy-25/Mis Dated : 06/09/2024

Copy to :

1. Registrar General, High Court of J&K and Ladakh, Srinagar.
2. Registrar Vigilance, High Court of J&K and Ladakh, Srinagar.
3. Registrar Rules, High Court of J&K and Ladakh, Srinagar.
.....for information.
4. Pr. District & Sessions Judge, Ramban.
5. Presiding Officer, Fast Track Court, Ramban.
.....for information and n/a.
6. Munsiff, Banihal for information and necessary follow up action.

7. Incharge Librarian, High Court of J&K and Ladakh, Srinagar/Jammu for keeping record of the same.
8. CPO e-Court, High Court of J&K and Ladakh, Srinagar for uploading the same on the High Court website.
9. Sh. Zahoor Ahmad Parray, Sr. Assistant, Fast Track Court, Ramban for compliance
10. Order file.


Principal Secretary to,
Hon'ble the Chief Justice