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Government Of Jammu & Kashmir
Department of Food, Civil Supplies & Consumer Affairs
Civil Secretariat Jammu/Kashmir

Subject:- Cancellation of appointment of Mr. Tawseef Ahmad Najar S/o Ghulam Rasool Najar R/o Drugmulla Kupwara appointed as Multi-Tasking Staff vide Government Order No. 105-JK (FCS&CA) of 2022 dated 29-10-2022.

Reference:- U.O No. Law-Opn/25/2024-10 (C.No.7438191) dated 02.04.2024.

Government order No:- 27 -JK(FCS&CA) of 2024
Dated:- 29 -04-2024.

WHEREAS, Mr. Tawseef Ahmad Najar S/o Ghulam Rasool Najar R/o Drugmulla Kupwara was appointed in the Department of Food, Civil Supplies & Consumer Affairs as Multitasking Staff in District Cadre Kupwara under EWS category vide Government Order No. 105-JK(FCS&CA) of 2022 dated 29-10-2022;

AND WHEREAS, the official has joined in the Directorate of FCS&CA, Kashmir on 14.11.2022 and vide Directorate's office order No. DFCS&CA/Adm/B-X-25/Kup dated 16.11.2022, the said official was relieved with the direction to report to the office of Assistant Director, FCS&CA, Kupwara for further duties;

AND WHEREAS, the Director, FCS&CA, Kashmir vide letter No. DFCS&CAK/Adm/PF/MTS/2237 dated 25.07.2023 has intimated that Mr. Tawseef Ahmad Najar has represented before the office of Assistant Director, Kupwara that although he had applied for the said post under Social Category but as per record he has been selected under EWS category instead of Social Caste and Director concerned accordingly requested to furnish the actual category produced by Mr. Tawseef Ahmad Najar before recruiting agency at the time of his selection/appointment. He has directed Assistant Director, Kupwara not to release the salary of the official till clarification is received;

AND WHEREAS, the matter was taken up with Jammu & Kashmir, Services Selection Board vide this department's letter dated 03.08.2023 with the request to favour this department with actual category of the said candidate produced by him before recruiting agencies at the time of his selection/appointment and also specially indicate the category certificate that is required to be sought for verification for the purpose of his appointment;

AND WHEREAS, the JKSSB vide communication No. JKSSB-ADM/76/2023-03(E-7257992) dated 13.09.2023, has conveyed that the General Administration Department placed an Indent for filling up 8575 Class IV posts, pertaining to various departments under direct recruitments with the Board. The selection for these posts was made by the Board in two phases. Among the selectees, Mr. Tawseef Ahmad Najar S/o Ghulam Rasool Najar R/o Drugmulla, Kupwara, figuring at serial No. 2237, Roll No. 241414212919 and Mr. Mohsin Muneer S/o Muneer Ahmad Yattoo R/o Budgam at S.No. 403, Roll No. 221401340289, were recommended under EWS Category in the Department of Food, Civil Supplies and Consumer Affairs, in District Cadres of Kupwara & Budgam respectively. Both these candidates have submitted their application forms for these Class-IV posts, advertised vide Notification No. 01 of 2020 dated 26.06.2020 under EWS category, along-with a self- declaration to the extent that all the particulars mentioned in their application form are true and correct, and if found incorrect, their selection shall be liable to be cancelled without any notice. Besides, the available record in the instant case indicates that the preliminary exercise to scrutinize documents/certificates could not bring on record the error which has crept up in this case, as it was a huge selection, involving scrutiny of voluminous record;

AND WHEREAS, the Director Kashmir vide this department's letter dated 09.11.2023, was also requested to take appropriate action in the matter and if the said certificate (EWS) is found not genuine by the issuing authority, his case may be recommended to the Administrative Department in light of the relevant rules;

AND WHEREAS, the Director concerned vide letter No. DFCSCA-ADM/280/2023-02/E-7348011 dated



23.02.2024 has recommended that services of Mr. Tawseef Ahmad Najar appointed as Multitasking staff in District Cadre Kupwara vide Government Order No. 105-JK(FCS&CA) of 2022 dated 29.10.2022 is liable for termination ab-initio;

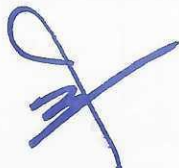
AND WHEREAS, his appointment order was subject to condition C (i) that if upon verification, any certificate(s) produced by the appointee is proved to be fake or forged the appointment shall be deemed to have been cancel ab-initio. Besides, the Services Selection Board vide its communication dated 18.10.2022 has mentioned that:-

"Important to mention here that the document verification/scrutiny conducted by the Board is limited to the extent of establishing physical possession of category/degree and ascertaining genuineness/validity etc. or other wise of the same and recognition status of the Institution, shall be responsibility of the Indenting Department/appointing authority."

"It is further requested that in case any certificate/document, during the course of verification, turns out to be fake/fictitious, the Board may kindly be kept posted and appropriate criminal proceedings against such candidates may kindly be initiated."

AND WHEREAS, the matter was also taken up with Department of Law, Justice and Parliamentary Affairs which in turn vide U.O.No. Law-Opn/25/2024-10 (C.No.7438191) dated 02.04.2024 has observed as under:-

"1. Vide Government Order No. 105-Jk(FCS&CA)0f 2022 dated 29-10-2022, Mr. Tawseef Ahmad Najar S/o Ghulam Rasool Najar R/o Drugmulla, Kupwara had been appointed in the Department of FS&CA as Multitasking Staff in District Care Kupwara under EWS category, however, the incumbent had produced Social Caste Certificate instead of EWS certificate at the time of joining.



2. The department took the matter with the Services Selection Board vide letter dated 03.08.2023 with the requested to favour the department with actual category of the said candidate produced by him before recruiting agencies at the time of this selection /appointment and also specially indicate the category certificate that is required to be sought for verification for the purpose of his appointment.

3. JKSSB vide communication No. JKSSB-ADM/756/2023-03(E-7257992) dated 13.09.2023 has conveyed that the General Administration Department placed an Indent for filling up 8575 Class IV posts, pertaining to various departments under direct recruitment with the Board. The selection for these posts was made by the Board in two phases. Among other selectees, Mr. Tawseef Ahmad Najar S/o Ghulam Rasool Najar R/o Drugmulla, Kupwara, figuring at serial number 2237, Roll No. 241414212919 and Mr. Mohsin Muneer S/o Muneer Ahmad Yattoo, R/o Budgam at S.No. 403, Roll No. 221401340289, were recommended under EWS category in the Department of FCS&CA in District Cadres of Kupwara and Budgam respectively.

4. Both these candidates have submitted their application forms for these Class-IV posts, advertised vide Notification No. 01 of 2020 dated 26.06.2020 under EWS category, along with a self-declaration to the extent that all the particulars mentioned in their application form are true and correct, and if found incorrect, their selection shall be liable to be cancelled without any notice . Besides, the available record in the instant case indicates that the preliminary exercise to scrutinize documents/certificates could not bring on record the error which has crept up in this case, as it was a huge selection, unloving scrutiny of voluminous record.

5. In light of the above, the department has proposed that appointment of Mr. Tasweef Ahmed Najar, S/o Ghulam Rasool Najar R/o Drugmulla



Kupwara, Multitasking Staff under EWS category in District Cadre Kupwara made vide Government Order No. 105-JK(FCS&CA) of 2022 dated 29.10.2022 be rendered void ab-initio as the incumbent did not possess the required category certificate on the basis of which he has secured the appointment. The candidate has lacked the basic eligibility for the category he has applied and against which he stood appointed, as such his appointment is null and void.

6. In this regard, the law is clear on the point that appointment secured by misrepresentation and fraudulent ways and on the basis of non-existing documents or against a category to which the candidate does not belong is void ab-initio and the same is liable to be cancelled forthwith without a notice. The candidate securing an appointment in such a manner is not entitled to any protection under article 311 of the Constitution or other statutory protections enshrined in different statutes. As such, the departmental proposal is in tune with the law governing the field."

Now, THEREFORE, the appointment of Mr. Tawseef Ahmad Najar S/o Ghulam Rasool Najar R/o Drugmulla, Kupwara appointed as Multitasking staff in District Cadre Kupwara ordered vide Government Order No. 105-JK(FCS&CA) of 2022 dated 29.10.2022 is deemed to have been cancelled ab-initio. Salary, if any, paid to the appointee shall be recovered by the DDO concerned.

By order of the Government of Jammu & Kashmir

(Rajinder Kumar)

Under Secretary to the Government

No:FCS&CA/Estt/ 7250592/2024

Dated: 29.04.2024

Copy to the:-

1. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.

3. Special Director General of Police, Crime Branch, J&K. He is requested to initiate criminal proceedings against Mr. Tawseef Ahmad Najar S/o Ghulam Rasool Najar R/o Drugmulla Kupwara under relevant provisions of law.
4. Director, FCS&CA, Kashmir for information and necessary action.
5. Director, Archives, Archaeology and Museums, J&K.
6. Secretary, Services Selection Board, J&K for information and appropriate action.
7. Private Secretary to Chief Secretary, J&K.
8. Private Secretary to Commissioner/Secretary to the Government, Department of FCS&CA.
9. Assistant Director, FCS&CA, Kupwara with the directions to recover the salary drawn, if any, from the candidate.
10. Concerned.
11. Government Order (w.2.s.c's)/Stock file.