

Government of Jammu and Kashmir  
Department of Food, Civil Supplies and Consumer Affairs  
Civil Secretariat, Jammu.

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Subject:- Cancellation of appointment of Mr. Mohsin Muneer S/o Sh. Muneer Ahmad Yatoo R/o Hardpora, Nagam, Budgam appointed as Multi-Tasking Staff vide Government Order No. 139-JK(FCS&CA) of 2022 dated 28.12.2022.

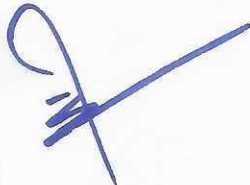
- Reference:-
- i) Letter No. JKSSB-ADM/76/2023-03(E-7257992) Dated 13.09.2023 from J&K Services Selection Board.
  - ii) U.O No. GAD-MTG0RBIV/182/2023 (7314866) dated 01.05.2024 of GAD.
  - iii) U.O No. LAW-Opn1/47/2024-10 Dated 05.06.2024 of Department of Law, Justice and Parliamentary Affairs.

Government Order No: 37-JK(FCS&CA) of 2024  
Dated: 26.06.2024

**WHEREAS**, Mr. Mohsin Muneer S/o Sh. Muneer Ahmad Yatoo R/o Hardpora, Nagam, Budgam was appointed in the Department of FCS&CA in (District Cadre) Budgam under EWS category as Multi-Tasking Staff (Class-IV) vide Government Order No. 139-JK(FCS&CA) of 2022 dated 28.12.2022;

**AND WHEREAS**, Director FCS&CA Kashmir vide letter No. DFCS&CAK/Adm/PF/MTS/403 dated 02.08.2023 has informed that the Assistant Director, Budgam vide letter No. FCS&CA/bud/2023/1563-64 dated 03.07.2023 has sought genuineness of EWS certificate of Mohsin Muneer S/o Sh. Muneer Ahmad Yatoo R/o Hardpora, Nagam, Budgam issued by Tehsildar, Chadoora under No. Reader/Tchd/2020-21/391 dated 26.06.2020. The Tehsildar Chadoora in response vide letter No. 103/MM/23 dated 27.06.2023 reported that EWS certificate bearing No. Reader/Tchd/2020-21/391 dated 26.06.2020 issued in favour of Mohsin Muneer S/o Sh. Muneer Ahmad Yatoo R/o Hardpora, Nagam, Budgam has not been issued through his office and the certificate is not genuine. Accordingly cancellation of the said appointment has been recommended by the Director concerned;

**AND WHEREAS**, the appointment of the said candidate was subject to receipt of satisfactory report in respect of genuineness of qualification/Date of Birth/ Relevant category certificate from the concerned Authorities/Agencies and accordingly the genuineness of certificates was sought from the concerned issuing Authorities/Agencies by the Director, FCS&CA, Kashmir;



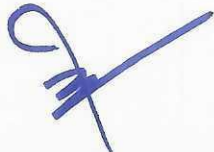
**AND WHEREAS**, the appointment order of the said candidate inter-alia contained the following provisions for which the official has furnished an affidavit in this regard:-

- A. *The appointee shall give an undertaking in the shape of an affidavit to the effect that if on verification, his Qualification/DoB/Reserved category certificates from the concerned issuing authorities is/are found fake/forged, his appointment as Multi Tasking Staff (Class-IV) in the Department of FCS&CA shall be deemed to have been cancelled ab-initio and legal action, as warranted under rules, shall be initiated against him.*
- B. *The salary of the appointee shall not be drawn and disbursed to him unless satisfactory reports in respect of genuineness of Qualification/DoB /Relevant category Certificates is received from the concerned authorities/ agency.*

**AND WHEREAS**, the matter was taken up with the Jammu and Kashmir, Services Selection Board vide this department letter No. FCS&CA/Food/ Misc/2023/7250406 dated 08.08.2023 with the request to kindly provide the copy of EWS certificate on the basis of which selection of the said candidate has Multi Tasking Staff (Class-IV) has been made;

**AND WHEREAS**, the JKSSB vide letter No. JKSSB-ADM/76/2023-03(E-7257992) dated 13.09.2023 has stated 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 the selectees, Mr. Tawseef Ahmad Najar S/o Ghulam Rasool Najar R/o Drugmulla, Kupwara, figuring at serial No.2237, Roll No. 241424212919 and Mr. Mohsin Muneer S/o Muneer Ahmad Yatoo R/o Budgam at serial No. 403, Roll No. 221401340289, were recommended under EWS category in the Department of Food, Civil Supplies and Consumer Affairs, in District Cadres Kupwara & Budgam respectively. Both these candidates have submitted their application forms for these Class-IV Posts, advertised vide Notification No.01 of 2020 dated 20.06.2020 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 matter was taken up with the General Administration Department which in turn vide U.O No. GAD-MTGORBIV/182/2023 (7314866) dated 01.05.2024 has advised as under:-



"On consideration of the matter it has been observed that the candidate namely Mohsin Muneer S/o Muneer Ahmad Yattoo R/o Hardpora Nagam District Budgam, Class-IV/MTS, has failed to produce a valid EWS certificate after his appointment and he has also managed a fabricated genuineness report about the said EWS certificate. Accordingly, the Department is advised to cancel his appointment as Class-IV/MTS in terms of Clause (i) of appointment order issued by the Department vide G.O 139-JK(FCS&CA) of 2022 dated 28.12.2022."

**AND WHEREAS**, the matter was also taken up with Department of Law, Justice and Parliamentary Affairs which in turn vide U.O No. LAW-Opn1/47/2024-10 dated 05.06.2024 (C.No. 7484042) has observed as under:-

1. Vide Government Order No.139-JK(FCS&CA) of 2022 dated 28.12.2022, Mr. Mohsin Muneer S/o Sh. Muneer Ahmad Yattoo R/o Hardpora, Nagam, Budgam had been appointed in the Department of Food, Civil Supplies and Consumer Affairs as Multi-Tasking Staff (Class-IV) in (District cadre) Budgam 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 J&K Services Selection Board vide letter dated 08.08.2023 with the request 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/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 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 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 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, alongwith 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.

5. In light of the above, the department has proposed that the appointment namely Mohsin Muneer S/o Muneer Ahmad Yattoo R/o Hardpora Nagam District Budgam, Class-IV/Multi-Tasking Staff made vide Government Order No. 139-JK(FCS&CA) of 2022 dated 28.12.2022 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.

**AND WHEREAS,** it has been established that Mohsin Muneer S/o Muneer Ahmad Yattoo R/o Hardpora Nagam District Budgam has managed to secure his appointment in Government Service on the basis of fake/forged documents, which warrants initiation of cancellation of his appointment and initiation of Criminal proceedings against him.

**NOW, THEREFORE,** the appointment of Mr. Mohsin Muneer S/o Sh. Muneer Ahmad Yattoo R/o Hardpora, Nagam, Budgam as Multi-Tasking Staff in District Cadre (Budgam) under EWS category ordered vide Government Order No. 139-JK (FCS&CA) of 2022 dated 28.12.2022 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 and Kashmir.

(Rajinder Kumar)

Under Secretary to the Government

Dated: 26/6/24

No.FCS&CA/Estt/7250406  
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 Mohsin Muneer S/o Muneer Ahmad Yattoo R/o Hardpora Nagam District Budgam under relevant provisions of law.
4. Commissioner/Secretary to the Government, General Administration Department.
5. Director, Food, Civil Supplies & Consumer Affairs, Kashmir.
6. Director, Department of Archives, Archaeology and Museums, J&K.
7. Secretary, J&K Services Selection Board for information and necessary action.
8. Private Secretary to the Chief Secretary.
9. Assistant Director, FCS&CA, Kupwara with the directions to recover the salary drawn, if any, from the candidate.
10. Private Secretary to Commissioner/Secretary to the Government, Department of FCS&CA, J&K.
11. Concerned.
12. Government Order file/Stock file.
13. In-charge Website.