



Government of Jammu and Kashmir  
**Public Works (R&B) Department**  
Civil Secretariat, J&K

Subject:- Verification of Qualification of Ms. Rifat Ara (Works Supervisor)-Dismissal from Government Service thereof.  
Reference: No. CE/RBK/ADM/16347-50 dated 10-08-2021 & No. CE/RBK/ADM/32032-35 dated 23.12.2021 from Chief Engineer, PW(R&B) Department, Kashmir.

Government Order No 135 -PW(R&B) of 2022  
Dated: 13 -04-2022

Whereas, the Superintending Engineer, PW(R&B) Circular Road Project, Srinagar vide letter No. SE/CRP/ESTAB/4347-49 dated 11.02.2021 intimated that the qualification certificates of some employees were send to JKBOSE by the Executive Engineer, (R&B) C.D. 1st Srinagar for authentication/verification including the qualification certificate of Ms. Rifat Ara (Works Supervisor) presently posted in City Roads Division, Srinagar (SMC); and

Whereas, the Joint Secretary, JKBOSE vide letter No. F(JS-VER) B/KD/2020/F-2756 dated 21.11.2020 reported that the qualification certificate of Ms. Rifat Ara does not coincide with the Board records and as such be treated as FAKE AND FABRICATED; and

Whereas, the Chief Engineer, PW(R&B) Department Kashmir vide his office letter No. CE/RBK/ADM/25276-77 dated 15.01.2021 directed the Superintending Engineer, PW(R&B) Circular Road Project Srinagar (Provincial level Departmental Vigilance Officer) to constitute a Committee headed by him for conducting an inquiry into the matter and to submit a comprehensive report with specific recommendation/comments for proceeding further in the matter; and

Whereas, the Superintending Engineer, PW(R&B) Circular Road Project Srinagar (Provincial Level Departmental Vigilance Officer) furnished the inquiry report vide letter No. SE/CRP/Estab/1464-67 dated 25.05.2021, wherein the bio-data of Mrs. Rifat Ara (Works Supervisor) stand mentioned as under:-

01	Name	Ms. Rifat Ara
02	Designation	Works Supervisor
03	Date of Birth	15.11.1968 (As per Service Record/Fake Certificate)
04	Date of appointment	19.05.1997
05	Appointment Order No.	CE/PWD/R&B-K-57 of 1997 dated 19.5.1997
06	Date of Joining	02.06.1997

Whereas, the inquiry report submitted by the Superintending Engineer, PW(R&B) Circular Road Project Srinagar (Provincial Level Departmental Vigilance Officer) had been concluded with the following:-

"The show cause notice was issued vide No. SE/CRP/Estab/01-04 dated 01.04.2021 and the Work Supervisor was directed to explain her position in person before the



Committee in its meeting which was held on 05.04.2021 at 11:30 AM. The Work Supervisor attended the meeting wherein she had nothing to state in her favour and neither did she reply back to the notice till date.

The case has been examined in detail from various aspects and the Committee come to fore that the official has managed to fudge her date of birth at the time of her appointment. It is in place to mention here that the salary of the said official has already been kept withheld w.e.f. Jan-2021."

Whereas, the Chief Engineer, PW(R&B) Department Kashmir vide letter No. CE/RBK/ADM/7868 dated 14.06.2021 directed the Superintending Engineer, PW(R&B) Circular Road Project Srinagar (Provincial Level Departmental Vigilance Officer) to clarify the following observations :-

a) The date of birth/actual qualification of the accused official is not mentioned in the enquiry report.

b) Besides, the enquiry committee has not furnished any specific recommendation/comments with regard to further course of action for which the Committee was constituted.

Whereas, the Superintending Engineer, (R&B) Circular Road Project, Srinagar (Provincial Level Departmental Vigilance Officer) vide letter No. SE/CRP/Estab/3893-94 dated 28.07.2021 directed the Executive Engineer, City Road Division Srinagar to furnish Date of Birth/actual qualification of the accused official; and

Whereas, the Executive Engineer forwarded the report furnished by the Principal Government Girls Hr. Secondary Institution, Kothibagh vide No. GGHSS/KB/dated 15.7.2021 to the Superintending Engineer (R&B) Circular Road Project, Srinagar which reveals as under:-

- I. The record pertaining to candidate namely Ms. Rifat Ara D/o Gh Nabi Narwai was washed away due to devastating floods on 2014.
- II. The photocopy of the school leaving certificate appended with aforementioned communication reveals that the D.O.B of the above named accused official as 11.01.1963.



Whereas, vide this department's communication No. PWD-NGAZ0CIV/111/2021-05 dated 25.8.2021, Memorandum, Statement of Imputation and Article of Charges was served upon Ms. Rifat Ara (Works Supervisor) for furnishing the written statement of defense; and

Whereas, Mrs. Rifat Ara (Works Supervisor) submitted the written statement of defense as under:-

"if there was any variance in the date of birth, should have been detected by the department immediately at the time of my appointment when the original certificates were deposited by me about 25 years ago. Even if, my date of birth is treated as 11.01.1963, I have still two years of service"

Whereas, the statement of defense of Mrs. Rifat Ara (Works Supervisor) was found in contrast to her charges and not relevant under Civil Service Conduct Rules, 1971; and

Whereas, the Hon'ble Supreme Court in case titled "Reena Devi V/s State of U.P and 4 others" passed decision that "in which basis of a forged mark sheet or certificate or appointment letter and on that basis he or she has been inducted in Government service then he becomes beneficiary of illegal and fraudulent appointment. Such an appointment is illegal and void ab-initio" as such her reply is not tenable; and



Whereas, the case was examined in the department and referred to the Finance Department for opinion, who vide U.O. No. FD/Code/20/2021-03-1064 dated 27.10.2021 returned the case with the following advice:-

"The department is advised to settle the issue in terms of Article 35 AA(d) of CSR-Vol-I for recording the correct Date of Birth in the service records of the official. The department may also consult Law Department before taking any disciplinary action against the official".

Whereas, in pursuance of advice of the Finance Department, the matter was taken up with the Department of Law, Justice and Parliamentary Affairs for necessary opinion, who vide U.O. No. Opn1/94/2021-10 dated 18.11.2021 returned the case with the following advice:-

The department has not made sincere efforts to ascertain the correct date of birth of the incumbent and the same continues to be a fact yet to be clarified. Recourse can obviously be taken to Article 35AA(d) of JKCSR to rectify the date of birth of the incumbent if on account of the wrongful entry the incumbent is deriving some unfair advantage, even when that entry in the records is the result of fraud. However, before taking upon that exercise, it is incumbent upon the Department to ascertain the relevant facts and also the correct and actual date of birth supported by genuine and valid records.

Besides, Department may also initiate appropriate departmental action and if it is found that the incumbent had malafides and an ulterior active rule to play while submitting of fake/false record at the time of appointment, commensurate punitive action may be taken in terms of the relevant rules.

Whereas, in light of the above opinion, the Chief Engineer, PW(R&B) Department Kashmir was requested to furnish the service book alongwith Matriculation Certificate (in original) of Ms. Rifat Ara (Works Supervisor) to this department; and

Whereas, the Chief Engineer, PW(R&B) Department Kashmir vide No. CE/RBK/ADM/32032-35 dated 23.12.2021 furnished the requisite information as under:-

- i. The original service book of Mrs. Rifat Ara (Works Supervisor) as received from Executive Engineer City Roads (SMC) Division Srinagar, vide communication No. CRD/9578-79 dated 16.12.2021 is enclosed herewith.
- ii. As regards her Original Matriculation Certificate, the Executive Engineer (R&B) Construction Division 1st Srinagar vide communication No. EE/CF-1/12608-11 dated 22.12.2021, has reported that:-
  - a. Her Matriculation Certificate among others was sent for verification to Joint Secretary verification J&K Bose Bemina Srinagar vide his office communication No. EE/CD-1/7482-83 dated 15.11.2019.
  - b. The Joint Secretary verification J&K Bose Bemina Srinagar vide No. F(JS-Ver)B/KD/2020/F-2756 dated 21.11.2020, declared the Matriculation Certificate of Mrs. Rifat Ara (Works Supervisor) as absolutely fake and fabricated (Photocopy enclosed).
  - c. However, the certificate has not been received back from the Joint Secretary verification J&K Bose Bemina Srinagar.

Whereas, the instant matter was again taken up with the Department of Law, Justice & Parliamentary Affairs for necessary opinion, who vide U.O. No. Law/Opn1/94/2021-10 dated 27.01.2022 returned the case with the following advice:-

*[Handwritten signature]*

*[Handwritten signature]*



"Department has informed that Board of School Education vide its communication dated 21.11.2020 has intimated that the date of Birth certificate of employee is fake and fabricated. It means that basic document on the basis of which she has secured employment is not genuine. Department may, accordingly, proceed into the matter and take appropriate action considering this document as non-est in the eyes of law. It is further advised that any employment which has been obtained by fraud can be cancelled at any time and for which principles of natural justice are also not attracted. Reference can be made to judgment of Hon'ble Supreme Court in "Reena Devi Vs State of U.P and 4 others" in which basis of a forged mark sheet or certificate or appointment letter and on that basis he or she has been inducted in Government service then he becomes beneficiary of illegal and fraudulent appointment. Such an appointment is illegal and void ab-initio. Therefore, holding disciplinary proceedings envisaged by Article 311 of the Constitution of India or under any disciplinary rules."

Now, therefore, in view of the enumerated facts in the case and in light of opinion rendered by the Department of Law, Justice & Parliamentary Affairs in terms of provisions of Article 311 of the Constitution of India, Mrs. Rifat Ara, Works Supervisor, with the approval of the competent authority, is hereby dismissed from the Government Service with immediate effect.

**By Order of the Government of Jammu and Kashmir.**

Sd/-

(Shailendra Kumar) IAS

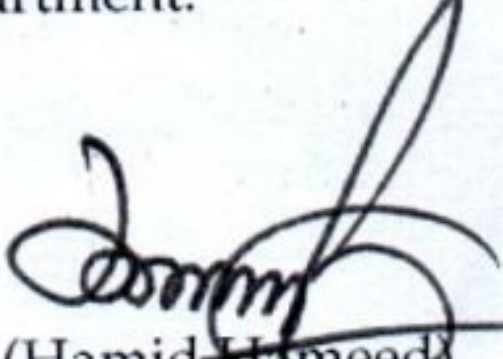
Principal Secretary to the Government  
Public Works (R&B) Department

Dated: 13.04.2022

No: PWD-NGAZ0CIV/111/2021-05

Copy to the:-

1. Principal Secretary to the Hon'ble Lieutenant Governor.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
3. Principal Secretary to the Government, General Administration Department.
4. Director Archeology Archives and Museums, Jammu & Kashmir.
5. Chief Engineer, PW(R&B) Department Kashmir.
6. Senior Law Officer, Public Works (R&B) Department
7. Special Assistant to Advisor (B) to the Hon'ble Lieutenant Governor, J&K.
8. Private Secretary to the Principal Secretary to Government, PW(R&B) Department.
9. Concerned.
10. In-charge website, PW(R&B) Department.
11. Government order file/Monday Return



(Hamid Hameed)

Under Secretary to the Government

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