

J&K STATE FOREST CORPORATION

SFC Order No 309 OF 2015

D a t e d 03.08.2015

Subject: Sanction of Deodar and allotment of timber of Fir quality instead of Deodar- Enquiry thereof.

Reference: Enquiry Report submitted by CGM (S&M) Kmr. under his covering letter No.567/CGM/S&M/K dated 14.07.2015.

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Whereas, based on the report of S/Shri Riyaz Ahmad Mir, Field Supervisor (I/C Compartment 14/Rajwar), Ali Mohammad War, Field Worker of Handwara Ext. Division duly endorsed by Shri Altaf Hussain Qureshi, DM Fair Price Division Shalteng, General Manager Fair Price/TFR vide his office No. 543-46 dated 15.12.2014 recommended to refund an amount of Rs.48,654.00 in favour Shri Abdul Hamid Wani S/O Mohammad Ismail Wani R/o Gulshan Abad, Hyderpora, Srinagar on the basis that the timber (one log No.88 Depot No.116 =34', outturn of Compartment 14/Rajwar under Challan No.35232 dated 21.10.2014) allotted to him (applicant) was actually Fir instead of Deodar for which payment had been received by DM Fair Price Division Shalteng. In the said communication it has also been reported that the log was got checked by the representative of Extraction Wing lying at Hyderpora Band Saw and found Fir specie instead of Deodar.

Whereas, further report has been called by Director Finance from GM North who is the dispatching agency, and as per his GM (North)'s report no Fir stocks have been supplied from Compartment 14/Rajwar as such the claim put forth by the applicant seems fake.

Whereas, the Administrative Department vide Under Secretary to Government Forest Department's letter No. FST/SFC/17/2015 dated 13.05.2015 forwarded representation of Shri Abdul Hamid Wani S/o Mohammad Ismail Wani R/o Gulshan Abad Hyderpora regarding allotment of Fir timber instead of Deodar from Fair Price Division Srinagar. The Administrative Department has sought a detailed report alongwith action taken in the matter to redress the grievances of the applicant.

Whereas, in view of two different reports, the Director Finance proposed constitution of a committee to conduct an enquiry into the case.

Whereas, following committee of officers was constituted vide SFC Order NO.252 of 30.05.2015 dated 30.5.2015 to ascertain the facts of the case and report whether or not Fir species has really been issued to the consumer as against Deodar for which he had reportedly made payments. The committee was asked to furnish its report within a week's time from the date of issuance of this order so that factual report is submitted to the Administrative Department.

S/Shri

1. A.N. Peerzada, CGM (S&M) KashmirChairman
2. Jalid Riyaz Banday, I/C GM Fair Price/TFR KashmirMember
3. Manzoor Ahmad Naqash, DFA (Fin.) KashmirMember
4. Altaf Hussain Qureshi DM Fair PriceMember

Whereas, the committee headed by Chief General Manager (S&M) Kmr. has submitted its report under the covering letter of CGM S&M Kashmir's No.



567/CGM/S&M/K dated 14.07.2015. The conclusion part of the report is reproduced hereunder:-

"As per report highlighted by GM North duly substantiated by the verbal and documentary proof of concerned field staff of Handwara Division as outlined above it gets established that the log in question has been a Deodar log. The committee did not come across any field record to doubt this position. Strictly going by the terms of order issued by MD SFC vide his office 1829-31/PS/MD dated 28.02.2015 no differential payment is due to the party and one would have advised for closing the case. But SFC is not lucky in this case.

The consumer is in possession of internal correspondence between various offices of SFC wherein his claim has been not only established but even strongly recommended for release of differential amount in his favour. He has already approached many quarters. It will be very difficult for SFC to defend its position in any form. He can even claim further damages. Due to wrong handling of the case SFC is on a weak position. It will be prudent to limit the damage by making the payment of differential amount to the party at the risk and cost of the defaulting officers/officials. The payment so made to the party should be recovered from defaulters in proportion to the magnitude of their default. As per principles of natural justice and fair play a chance to be heard is to be given to all the accused. This calls for a detailed enquiry will well-defined terms of reference and mandate. The present committee does not have mandate and competence to conduct such enquiry; it is recommended that a separate enquiry be ordered to pinpoint defaulters and to establish the quantum of default."

Whereas, the report submitted by the committee was forwarded to the Director Finance SFC for examination and report.

Whereas, the SFC Finance Wing duly endorsed by the Director Finance vide his office U.O. No. Nil dated 28.07.2015 has opined as follows:-

"..... it would be appropriate to recover differential amount from defaulters in proportion to the magnitude of their fault. The aforesaid recommendations may be approved as the Corporation cannot sustain on account of the differential cost. Besides Administrative action against the erring officials may also be initiated. We may pay the amount to the aggrieved person out of our own resources and simultaneously recover the amount from the erring officers".

Whereas, the Managing Director SFC vide his office letter No. 1829-31/PS/MD/SFC dated 28.02.2015 on the basis of the earlier report submitted by General Manager Fair Price vide his office letter No.543-46/GM/FPCK/SFC dated 15.12.2014, ordered that the differential amount needs to be released subject to the condition that it be also ascertained from the Depot records that the log in question was Fir. The same be also verified from the Challan issued by the officials of the North Circle. The Managing Director has also desired to call an explanation from Divisional Manager Fair Price for callous attitude which is neither in the interest of SFC nor in the interest of customer.

Whereas, as per the report of the committee the log is of Deodar specie as per records. The report of GM Fair Price submitted by him vide his office letter No. 543-46/GM/FPCK/SFC dated 15.12.2014 based on reporting of S/Shri Riyaz Ahmad Mir, Field Supervisor (I/C Compartment 14/Rajwar), Ali Mohammad War, Field Worker of Handwara Ext. Division duly endorsed by Shri Altaf Hussain Qureshi, DM Fair Price

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Division Shalteng that the log was Fir which has without cause made the case for release of differential amount in favour of the applicant namely Shri Abdul Hamid Wani and who is approaching this office time and again for release of payment for no fault on his part.

Now, therefore, in view of the above, following orders are hereby issued with immediate effect:-

1. The differential amount of Rs.48,654.00 as worked out by GM Fair Price Srinagar shall be released/reimbursed through DM Fair Price Division Shalteng in favour of Shri Abdul Hamid Wani S/o Late Mohammad Ismail R/o Gulshan Abad Hyderpora Srinagar after proper verification and identification.
2. The differential amount of Rs. 48,650.00 to be reimbursed to the applicant referred to above, shall be recovered/ deducted from the monthly salary of the following officials/ officers at the ratio indicated against each for their wrong reporting and callous attitude to safeguard the interests of the Corporation and the amount so recovered shall be deposited in the MD's official account by the Director Finance/concerned DDO.

S/S/Shri

- i) Riyaz Ahmad Mir, Field Supervisor (I/C Co: 14/Rajwar) = 30%
- ii) Ali Mohammad War, F/Worker of Handwara Ext.Division = 30%
- iii) Altaf Hussain Qureshi, DM Fair Price Srinagar = 40%

Further, Shri Altaf Hussain Qureshi, DM Fair Price is hereby attached to MD's office at Srinagar with immediate effect. He will hand over his charge to Shri Shabir Ahmad Patloo, I/C DM TU Division SFC till some other officer is posted as DM Fair Price SFC.

**Sd/-
Managing Director
J&K State Forest Corporation**

No. *2408-18* /Bix/SFC

Dated *23.08.2015*

Copy for information and n/action to the:-

1. Pr. Secretary to Government, Forest Department, Civil Secretariat Srinagar. This is in reference to his office letter No. FST/SFC/17/2015 dated 13.05.2015
2. Director Finance SFC for release of differential amount to DM SFC concerned and recovery of the same from the salaries of the staff.
3. Chief General Manager (S&M)K SFC Srinagar.
4. I/C General Managers (Fair Price/TFR) Kashmir
5. Dy. Financial Advisor (Fin.) Srinagar.
6. Divisional Manager Fair Price Srinagar.
7. I/C Divisional Manager TU Division SFC Shalteng.
8. Divisional Manager SFC Ext. Division Handwara.
9. Shri Riyaz Ahmad Mir, Field Supervisor (I/C Compartment 14/Rajwar)
10. Shri Ali Mohammad War, Field Worker of Handwara Extraction Division
11. SFC Order file.

23/8/15
**Managing Director
J&K State Forest Corporation**