

Government of Jammu and Kashmir,
TRANSPORT DEPARTMENT, CIVIL SECRETARIAT,
J&K.

Subject: Implementation of Hon'ble Central Administrative Tribunal order dated 10-02-2022, passed in T.A. No. 61/7497/2021 titled Bipen Singh Charak V/s State of J&K & Ors..

Refer: Order dated 24-10-2024 of the Hon'ble Central Administrative Tribunal, Jammu.

Government Order No. 93 -JK (TR) of 2024
Dated: 06 -11-2024.

WHEREAS, vide Government Order No. 24-TR of 2008 dated 27-03-2008, Shri Bipen Singh Charak, S/o Jagdish Chander Charak, R/o 112-C, Janki Vihar, Doordarshan Lane, Old Janipur, was appointed as Motor Vehicles Inspector (Survey) in the Motor Vehicles Department; and

WHEREAS, vide Government Order No. 72-TR of 2010 dated 03-12-2010, Shri Bipen Singh Charak, was posted as I/c Assistant Regional Transport Officer, Doda; and

WHEREAS, the Transport Commissioner, J&K, vide Order No. 33/TC of 2011 dated 09-03-2011 placed Shri Bipen Singh Charak, I/c ARTO, Doda under suspension and ordered enquiry into the matter and appoint Shri Varinder Slathia, KAS, RTO, Jammu to conduct an in-depth enquiry into the allegations leveled against the officer; and

WHEREAS, the Regional Transport Officer, Jammu (Inquiry Officer) vide letter No. 1598/PA/RTOJ-11 dated 25-03-2011 has submitted the preliminary enquiry report in the matter, which is reproduced as under; and

"In my opinion, apparently the ARTO is trying to stop the journalist from airing some visuals and has kept a packet at the residence of journalist and visited his office to request him not to air his visuals, other two officials too are apparently involved as discussed above. However, the only point which bothers me is, what could be the motive of the journalist Shri Panchnanda, it cannot just be an operation for social cause as his own channel has not aired the clips in question. For which I would recommend a scientific investigation through an investigating agency so that whoever is innocent, is left to live peacefully."

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WHEREAS, Memorandum and the statement of articles of charges were served upon to Shri Bipen Singh Charak, Motor Vehicle Inspector, I/c ARTO, Doda and the reply submitted by the delinquent in response to Memorandum and the statement of article of charges and the same has not been admitted by the Inquiry Officer and in the meanwhile the General Administration Department vide Government Order No. 33-GAD (Vig) of 2011 dated 23-05-2011 wherein Shri G.S. Chib, JKAS, Special Secretary to the Government, General Administration Department was appointed an "Inquiry Officer" to enquire into the charges framed and served against the said officer in-terms of Rule-33 of Jammu and Kashmir (Classification, Control & Appeal), Rules, 1956 and Shri Varinder Slathia, JKAS, RTO, Jammu was appointed as "Presenting Officer"; and

WHEREAS, the Inquiry Officer (G.S. Chib) submitted the detailed enquiry report to the Government on 07-09-2011 after giving the concerned officer an adequate opportunity of being heard and concluded his report, which is reproduced as under:-

"Based on facts given herein above and the personal hearing given to the accused officer, and the articles of charged framed and served by the Transport Department, the accused officer prima facie is found involved in taking bribe at his office and also bribed complainant at his residence beyond doubts. From the facts discussed and elaborated above, the accused person is guilty of giving and taking bribe beyond doubt"

WHEREAS, the Government considered the report of the Inquiry Officer and came to the provisional conclusion that since the charges are grave, the major penalty of "dismissal from the service of the State" be imposed on Shri Bipen Singh Charak, I/c ARTO (under suspension) for his aforesaid misconduct; and

WHEREAS, in pursuance of Rule-34 of J&K, Civil Services (CCA) Rules, 1956, the officer was supplied with a copy of the proceedings, report of Shri G.S. Chib prepared under rule 33 of the said Rules and given an opportunity to show cause as to why the proposed penalty be not imposed on him vide No. PS/Secy/Tpt/108 dated 18-10-2011. The accused officer challenged the show cause notice before the Hon'ble High Court, vide SWP No. 2306/2011 and the Hon'ble Court vide Interim Order dated 16-11-2011 directed as under: -

"In the meantime, subject to objections from other side, respondents are at liberty to proceed ahead as