

Government of Jammu and Kashmir,  
**Transport Department, Civil Secretariat,**  
J&K.

Subject: Conclusion of RDA against Mr. Bhumesh Sharma, Ex-ARTO.

Refer: Letter No. TC/JK/RDA/2024/911 dated 15-10-2024.

**Government Order No. 03 -JK (TR) of 2025**  
**Dated: 17 -01-2025.**

**WHEREAS**, a case FIR No.13/2002 was registered in P/S VOJ against Shri Z.M. Samnani, Ex-ARTO, Jammu and others in connection with illegal registration of five (05) Trucks/Chassis without conducting of their physical inspection by the Board of Inspection (BOI), Jammu during the period these trucks were under body fabrication at a workshop outside the Jammu and Kashmir; and

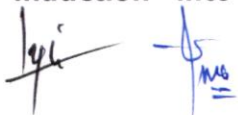
**WHEREAS**, Shri Bhumesh Sharma at that point of time was posted as in-charge Board of Inspection, Jammu and being a public servant, required to maintain absolutely and integrity in the discharge of his official duties and do nothing unbecoming of a government employee and issued fitness certificates in respect of five (05) trucks/chassis on 15-09-2000 without conducting physical checkup/inspection of these trucks in pursuance to the rule 44 and 47 of Motor Vehicles Act/Rules; and

**WHEREAS**, on 17-08-2004 acting upon several complaint of malpractices/irregularities in the offices of RTOs/ARTOs, the Vigilance Organization (now ACB) conducted Joint Surprise Check (JSC) across Jammu and Kashmir and during which various irregularities, malpractices, procedural discrepancies were noticed, inter-alia, the office of Shri Bhumesh Sharma (BOI, Jammu) was also raided and the officer was found un-authorizedly absent; and

**WHEREAS**, the General Administration Department vide letter No. GAD-VIGORDA/195/2022-02-GAD dated 28-11-2023 has sought the status of the case alongwith all the documents relating to RDA case viz. draft articles of charge, statements of imputation and gist of evidence etc. in respect of Mr. Bhumesh Sharma, JKAS, in case FIR No. 13/2002 and JSC No. JSC-SLK-58/2004 and any other matter pending against the officer in Transport Department; and

**WHEREAS**, a meeting was held under the Chairmanship of Commissioner/Secretary to the Government, General Administration Department on 16-05-2024 wherein the following decision was taken:-

**"After thorough discussion, the chair instructed the Transport Commissioner and the representative of the Transport Department to expedite the submission of action taken reports for FIR No. 13/2002 and JSC-SLK-58/2004. These reports concern the period when Mr. Bhumesh Sharma was part of the J&K Transport Services, prior to his induction into the Jammu and Kashmir Administrative**



**Services. The chair stressed the importance of resolving these issues quickly, noting that the matter is currently sub-judice. Moreover, the representative of the ACB was requested to provide assistance to the Transport Department by way of providing documents related to the case, if any required by the department."**

**WHEREAS**, as per the above decision, the matter was accordingly taken up with the Director, Anti Corruption Bureau, J&K, to provide all the requisite/supporting documents related to the FIRs/JSC registered/pending in the Vigilance Organization against Shri Bhumesh Sharma, Ex-ARTO, as all record of the Department including the personal file of the officer was deluged due to flash floods in Kashmir in 2014, who vide letter ACB-FIR-13/2002-J-6675 dated 30-05-2024 has furnished the requisite necessary documents related to the case; and

**WHEREAS**, consequently vide Government Order No.50-JK(TR) of 2024 Dated 03-06-2024, Shri Rajinder Singh Tara, JKAS, the then Transport Commissioner, J&K, was appointed as "Inquiry Officer" amended vide Government Order No. 72-JK(TR) of 2024 dated 09-09-2024, Shri Ajaz Abdullah Saraf, Additional Transport Commissioner, J&K, was appointed as "Inquiry Officer" to conduct an in-depth inquiry into the RDA/allegations leveled against Shri Bhumesh Sharma, Ex-ARTO; and vide Government Order No. 52-JK(TR) of 2024 dated 19-06-2024, Shri Vinay Samotra, JKAS, Joint Transport Commissioner, J&K, was appointed as "Presenting Officer" of the said enquiries; and

**WHEREAS**, vide this Department's letter TRPT-MVD0N/79/2023-02-TPT dated 08-07-2024 and 14-07-2024, the draft Article of Charges, Statement of Imputation (Brief facts and Gist) and Copy of letter No. ACB-FIR-13/2002-J-6675 dated 30-05-2024, duly signed by the Administrative Secretary, Transport Department was forwarded to the Transport Commissioner, J&K and Presenting Officer to serve same to the Ex-ARTO on behalf of the Administrative Department; and

**WHEREAS**, the officer has submitted the replies of the notices (Article of Charges, Statement of Imputation and Gist of Evidence) on 12-07-2024 and 16-07-2024, which is summarized as under:

**(I) Case FIR No. 13/2002 (P/S VOJ):**

The charges levelled against him are baseless and absurd, as a settled issue is being raked up after 22 years. He has claimed that the issue of the subject matter of enquiry relating to registration of five new trucks without their prior clearance by Board of Inspection has since been settled on the following grounds: -

1. That the five trucks (bearing Registration No. JKON-1711, 1741, 1751, 1761 and JKON-1781) were registered by the then ARTO Shri Z.M. Samnani. After the Registration Certificates issued by the said authority on 14.09.2000,





the trucks were provided fitness certificates. He has stated that it is admitted case that the trucks were not produced before Board of Inspection before their registration was made.

2. During a preliminary enquiry in the matter, a letter (dated 28.11.2000) was addressed by Board of Inspection to the Investigating Officer of Vigilance Organization, informing that after the registration of new vehicles, the certificates of fitness was issued as a matter of course under law.
3. The officer claimed that after registration of case in the matter on 29.05.2002, the DG/Commissioner of Vigilance in his communication (No. CV-FIR-13/2002-J/2668-71 dated 04.06.2002) clearly stated that the trucks were registered by Shri Z.M. Samnani. Further, inspection of trucks was also made by the said ARTO and that no involvement of the Board has been shown in the said communication.
4. At no stage (till now) any charges were framed against him and claimed that it was concluded by all the administrative authorities that he had nothing to do with issue of registration or certification of fitness, at no stage, Government or any other authority considered it necessary to hold any departmental enquiry against him nor any adverse order was passed against him and that there was thus no enquiry against him prior to 30.06.2015 (viz. the date his premature retirement was ordered). The officer stated that vigilance clearance was issued in his favor by the Transport Department, the Vigilance Organization and the GAD (Vigilance) in 2009, which was granted only after the concerned authorities satisfied themselves about his non-involvement in any wrongdoing. He maintained that had there been any thing adverse against him or any doubt about his integrity, the vigilance clearance would not have been granted to him and that on the basis of this vigilance clearance, he was inducted in JKAS in the year 2010.

**(II) Joint Surprise Check (JSC-SLK-58/2004)**

The officer submitted his reply/response in JSC and is detailed as under: -

1. The officer has denied charge of being unauthorizedly absent on 17.08.2004, stating that he was on sanctioned leave granted by RTO, Jammu.
2. Regarding the non-maintenance of records showing grounds for rejection of the fitness certificates of vehicles, he has stated that a proper register is maintained which contains all



- the details of every vehicle inspected by Board of Inspection including about the rejection or passing of vehicle as fit after inspection. Further, the Board would also include a member having technical know-how, on the basis of whose technical inspection/ opinion, the vehicles would either be rejected or passed, which would then also be conveyed to the owners /drivers of the vehicles on spot.
3. In reply to the charge about presenting an unrealistic picture of the number of vehicles inspected per day, the delinquent officer referred to the response given by him (vide No. BOI/MVD/J/23-24 dated 25.08.2003) to the Transport Commissioner, J&K, wherein it has been mentioned /explained that each of the three members of Board of Inspection, Jammu checks 20-25 vehicles daily, which means 60-75 vehicles being checked by the Board daily. Further, the members of the Board are sensitive and alive to the seriousness and importance of the job entrusted to them, as the same involves safety of the public.
  4. In respect of the charge relating to the non-signing of cash book on 16<sup>th</sup> and 17<sup>th</sup> of August 2004, the said officer has stated that since he was on leave on 17<sup>th</sup> of August 2004, the Accountant would, as a matter of practice, receive the fee and deposit the same in treasury on the same day and also attend the office of RTO, and because of his absence he would obtain signature on the same day or the following day.
  5. The raids conducted by the Vigilance Organization in the offices of RTOs/ARTOs/BOIs across J&K were focused on the working of these offices and not specific to the BOI, Jammu.

**WHEREAS**, on examination the department found reply unsatisfied from the Ex-Officer and accordingly the same were forwarded to the Inquiry Officer/Presenting Officer to conclude the enquiry and furnish the reports alongwith recommendations expeditiously; and

**WHEREAS**, the Inquiry Officer appointed for the purpose has submitted the Enquiry Report along-with the recommendations vide letter No TC/JK/RDA/2024/911 dated 15-10-2024 which envisaged as under:-

***"With regard to FIR No. 13/2002 (P/S VOJ) and JSC-SLK-58-2004 has recommended that thus, having regard to the facts and circumstances of the case as discussed and analyzed in the foregoing paras, on the basis of whatever records were made available to the Inquiry Officer, including the stand of the Department, observations of the Hon'ble High Court, grant of vigilance clearance in favour of the accused officer, while not much substantial is made out against the said officer Sh. Bhumesh Sharma in the instant case, however, he should have been more careful in dealing with the matter and should not have based his actions/decisions on assumptions/presumptions. He needs to be conveyed to remain very careful and exercise due caution and diligence while discharging his legitimate duties. There is not sufficient documentary proof to substantiate the charges against Shri Bhumesh Sharma for arriving at a definitive conclusion or to establish his involvement in the JSC. The department may consider***





**dropping charges against the officer in the instant JSC. The same is based on the records/documents (in Photostat form), as the whole records of the Administrative Department along with the personal file of ex-ARTO were deluged due to flash floods in Kashmir Valley in September 2014 and the records pertaining to the Registration of vehicles, in the instant case, have also been reported misplaced/destroyed in RTO Office Jammu and the responsibility for which has been fixed to the then record-keeper of the RTO Office, Jammu."**

**WHEREAS**, after receiving the Enquiry Report, the matter was accordingly taken up with the General Administration Department for comments, as the Officer being member of JKAS who vide U.O. No. GAD-SERVOKAS /307/2022-02-GAD-Part(i) dated 08-11-2024 has conveyed as under: -

**"Returned: Department is advised to take the necessary action and conclude the enquiries at their level as per the rules governing the matter as both cases have been registered against Mr. Bhumesh Sharma, JKAS, Secretary, J&K, Advisory Board for Development of Kisans, in his capacity as ARTO."**

Now, therefore, in view of the facts elucidated above, and as recommended by the Inquiry Officer appointed vide Government Order No. 72-JK(TR) of 2024 dated 09-09-2024 and also due to the non-availability of the records in case FIR No. 13/2002 (P/S VOJ) and JSC -SLK-58/2004, the charges leveled against Shri Bhumesh Sharma, [(Ex-ARTO), now Secretary, J&K, Advisory Board for Development of Kisans] could not be substantiated and RDA is hereby dropped with the rider that the officer shall be administered a strict warning to remain careful in future and should not have taken his action actions/decisions merely on the basis of assumptions/presumptions while discharging the official duties.

By order of the Government of Jammu and Kashmir.

**Sd/-**  
**(Niraj Kumar) IAS**  
Secretary to the Government,  
Transport Department.

No. TRPT-MVDON/79/2023-02-TPT (7353771)

Dated: 17-01-2025.

Copy to the:-

1. Commissioner/Secretary to the Government, General Administration Department with the request to confirm the action taken by this Department.
2. Joint Secretary (JK & Ladakh), Ministry of Home Affairs, Government of India.
3. Director, Anti Corruption Bureau, J&K.
4. Transport Commissioner, J&K.
5. Shri Bhumesh Sharma, JKAS (Ex-ARTO), now Secretary, J&K, Advisory Board for Development of Kisans.

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6. OSD to Hon'ble Minister, FCS & CA, Transport Department, Science and Technology, Information Technology, Youth Services and Sports and ARI Training Department for information of the Hon'ble Minister.
7. Private Secretary to Secretary to the Government, Transport Department.
8. Incharge Website.

  
17.01.25

(Raman Sharma) JKAS  
Under Secretary to Government,  
Transport Department.

