

**Government of Jammu and Kashmir
Industries and Commerce Department
Civil Secretariat, Jammu/Kashmir**

Subject: Establishment of Date of Birth (D.O.B) in respect of Mrs. Rafiqa Ahmad, Helper District Industries Centre (DIC), Budgam.

**Government Order No. 93 -JK(IND) of 2024.
Dated. 26 .06.2024.**

WHEREAS, Director, Industries and Commerce, Kashmir submitted that the General Manager, DIC, Budgam recommended the case of Mrs. Rafiqa Ahmad, Helper DIC, Budgam for grant of 3rd In-situ Promotion w.e.f. 01.08.2020; and

WHEREAS, Director, Industries and Commerce, Kashmir in turn requested General Manager, DIC Budgam to furnish copies of the appointment order, date of birth certificate and verification report of D.O.B. Certificate of the official; and

WHEREAS, General Manager DIC, Budgam vide letter No. GM/DIC/Bud/Estt/1263-66 dated 07.11.2022 took up the matter with Secretary, J&K Board of School Education for verification/genuineness of the Date of Birth Certificate of Mrs. Rafiqa Ahmad, Helper DIC, Budgam; and

WHEREAS, General Manager, DIC Budgam informed Director Industries & Commerce, Kashmir that the Secretary, J&K BOSE vide letter No. F9JS-Ver)/B/KD/2022/R-6849 dated 12.11.2022 communicated that the D.O.B certificate of Mrs. Rafiqa Ahmad, Helper DIC Budgam, showing her Date of Birth as 08.08.1968 is fake and fabricated; and

WHEREAS, Director of Industries & Commerce, Kashmir, constituted a committee vide Order No. 97-DI&C/E of 2022 dated 10.12.2022 for conducting departmental enquiry into the matter and Mrs. Rafiqa Ahmad, Helper DIC Budgam was also placed under suspension. Also, GM, DIC Budgam was directed not to draw the salary in her favour till final conclusion of the case; and

WHEREAS, the Committee submitted its report to Director Industries & Commerce, Kashmir vide letter No. DIC/Bud/2023/2090 dated 07.03.2023 and

recommended that the case be taken up with the Administrative Department for favour of requisite action; and

WHEREAS, Mrs. Rafiqah Ahmad, Helper submitted application along with "Discharge Cum Character Certificate" issued by Govt. Girls Higher Secondary Institute, Amira Kadal Srinagar, issued under No. 423, Adm No. 1929/73, certifying therein that Ms. Rafiqah Ahmad D/o Ghulam Ahmad was reading in the Institution in Class 10th w.e.f December 1974 upto 19.04.1975 and her Date of Birth is recorded as 08.08.1958 and the same has been conveyed by GM, DIC Budgam to Director I&C Kashmir; and

WHEREAS, Director Industries and Commerce Kashmir took up the matter with Principal, Government Girls Higher Secondary School, Amira Kadal, Srinagar vide letter No. DI&C/Estt/1299/1483 dated 17.05.2023 to confirm the genuineness of the certificate issued by the said Institute vide No. 423 and Adm No. 1929/73; and

WHEREAS, the Principal, Government Girls Higher Secondary School, Amira Kadal, Srinagar confirmed the genuineness of the aforementioned certificate vide No. GHSSA K-/325 dated 29.05.2023 and as per the said certificate, the date of birth of the official is 08.08.1958; and

WHEREAS, Director, Industries and Commerce, Kashmir vide his letter No. DI&C/Estt/1299/2791 dated 31.08.2023 has requested for establishing the Date of Birth of Mrs. Rafiqah Ahmad, Helper as 08.08.1958 on the basis of Discharge Certificate issued by Principal, Government Girls Higher Secondary School, Amira Kadal for carrying out correction in the first page of her service book. Besides, to initiate recovery of Rs. 22.24 Lakh on account of overdraw of emoluments etc.; and

WHEREAS, the case has been examined in the department in terms of Article 35AA(d) of JKCSR Volume I, which reads as under: -

(d) Notwithstanding the provisions contained in clause (c) above regarding alteration of date of birth, Government, however, reserves the right to make a correction in the recorded age of Government servant at any time, against the interests of the Government employee when it is satisfied that the age recorded in his/her service book or in

the history of services of the concerned Government servant is incorrect and has been incorrectly recorded with the object that the said Government employee may derive some unfair advantage therefrom.

Further, also, the relevant part of Article 226(1) of the CSR Vol. I and instructions thereunder read as under:

(1) An officer shall retire compulsorily on his attaining the age of 60 years [unless the competent authority considers him efficient and permits him to remain in service]

Government Instruction No. 1: Retirement of a Government servant is automatic on attaining the age of compulsory retirement and in absence of specific orders to the contrary by the competent authority, a Government servant must retire on due date.

NOW, THEREFORE, in terms of the Article 35AA (d) and Article 226(1) of J&K CSR Volume-I read with Government Instruction below Article 226(1), it is hereby ordered that:

1. Director, Industries and Commerce, Kashmir shall record the correct Date of Birth of Mrs. Rafiqah Ahmad, Helper, DIC Budgam in her Service Book as 08.08.1958 instead of 08.08.1968;
2. Mrs. Rafiqah Ahmad, Helper, DIC Budgam shall and shall always be deemed to have been retired on superannuation from Government service in the afternoon of 31.08.2018 (Thirty First of August Two Thousand and Eighteen); and
3. the salary and other illegitimate monetary benefits received by the official beyond 31.08.2018 i.e the period of her unauthorized overstay in service shall be recovered from the retired official under rules by Director, Industries and Commerce, Kashmir, under an intimation to the Administrative Department.

Sd/-

(Vikramjit Singh) IPS

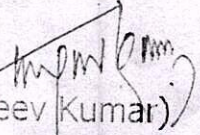
Commissioner/Secretary to the Government

No:-IC-DIC/320/2023-02 (7284695)

Dated: 26.06.2024

Copy to:

1. Principal Accountant General (A&E), J&K for information.
2. Secretary in the Industries and Commerce Department, J&K.
3. Director, Industries and Commerce, Kashmir.
4. Director Finance, Industries and Commerce, J&K.
5. Private Secretary to Commissioner/Secretary to the Government, Industries and Commerce Department.
6. Incharge website, Industries and Commerce Department.
7. Government Order file/stock file.


(Sanjeev Kumar)

Under Secretary to the Government