



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

Subject: Initiation of RDA against Er. Shafat Ahmad, Executive Engineer and Er. Mudassir Sidiq Khan, Assistant Engineer, Mechanical Hospital and Central Heating Division, Srinagar (Veri-SLK-09/2015)

Government Order No: 124 PW(R&B) of 2021
Dated: 26.03.2021

Whereas, the General Administration Department vide O.M No. GAD(Vig)28-RDA/2016 dated 20.12.2017 has forwarded a communication No. VO-Veri-SLK-09/2015-3722-23 dated 03.03.2016 along with Article of Charges, Statement of Imputation and gist of evidences against the above named Engineers for consideration of the recommendations of Vigilance Organization (Now ACB) against the accused public servant for Initiation of Regular Departmental Action against them, in terms of J&K Civil Services (CC&A) Rules, 1956 with the approval of Disciplinary Authority, for not following due procedure of tenders while purchasing Oxygen Cylinder for C.D Hospital Srinagar.

Whereas, the Article of Charges, Statement of Imputation and gist of evidence were served to the above accused engineers through concerned Chief Engineer vide letter No. PW(R&B) HRM/01/2018-Vig dated 21.05.2018.

Whereas, both the engineers submitted their reply of article of charges through Superintending Engineer, Mechanical Engineering Department, Kashmir vide letter No. CEMK/Adm-RDA/1656-58 dated 16.07.2018.

Whereas, the case was examined and accordingly closed vide Government Order No.492-JK PW (R&B) of 2019 dated 28.11.2019. However, the General Administration Department has not accepted the same and among other issues advised to revisit the case vide communication No.GAD (Vig)28-RDA/2016 dated 17.01.2020.

Whereas, accordingly the department, vide Government Order No.278-PW(R&B) of 2020 dated 13.10.2020 appointed Er. Sanjay Sharma, Superintending Engineer, MED Kashmir and Er.Ab.Rashid Bhat, Executive Engineer, MED Division Srinagar as Inquiry Officer and Presenting Officer respectively for conducting the enquiry into the matter.

Whereas, the Inquiry Officer vide Communication No.SEMK/TS-18/2263 dated 17.12.2020, among other things has reported that "at the outset, it would be appropriate to state that the instant matter is presumptive in nature where neither a loss to the state exchequer has been affected nor, owing to the submitted facts, the malafide of the officers under question is established. The Statement of Imputation and the Article of charges raised in the case do not established any deliberate attempt or shelving of the mandatory codal formalities, for procurement of supplies especially when the Allotment Authority is the Chief Engineer, Mechanical Engineering Department, Kashmir and the complete procurement process is scrutinized, scanned, filtered and allowed by the Departmental Purchase Committee meant for the purpose and recommended that the matter be closed as not established".

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Whereas, the case was examined in the department and referred to the Development Commissioner (works) PW (R&B) Department for comments/opinion.

Whereas, the Development Commissioner (Works) has recommended that the charges leveled against Er. Shafat Ahmad Jeelani, the then Executive Engineer and Er. Mudassir Sidiq Khan the then Assistant Engineer be dropped and warning to be given for remaining vigilant and cautions before finalization of tenders documents as it appears that they have acted in good faith without any intentional misconduct. Besides, SOP is required to be formulated by Mechanical Engineering Department for standardization of procedures for tendering of Mechanical items in generic manner mentioning National Standards & not specific to particular brand/model to have a fair and transparent tendering process.

Now, therefore, in view of the above given position and by upholding the recommendations of Development Commissioner, the allegations levelled against Er. Shafat Ahmad Jeelani, then Executive Engineer and Er. Mudassir Sidiq Khan, then Assistant Engineer, Mechanical Hospital and Central Heating Division, Srinagar are dropped and Regular Departmental Action is hereby closed. However, both the engineers are warned to remain vigilant and cautious before finalization of tender documents and also while performing official duties.

By order of the Government of Jammu and Kashmir

Sd/-
(Shailendra Kumar) IAS
Principal Secretary to the Government
Dated: 26.03.2021

No. PW(R&B) HRM/01/2018-Vig

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs Government of India.
2. Commissioner/Secretary to the Government, General Administration Department. This is with the reference to his O.M No. GAD(Vig)28-RDA/2016 dated 17.01.2020. Circular instructions have already been conveyed vide endorsement No.PW(R&B)HRM/01/2018-Vig, however, once again are appended herewith. Besides, Engineering Manual Procurement guidelines have also been issued.
3. Development Commissioner (Works), PW(R&B) Department.
4. Director, Anti Corruption Bureau, J&K, Jammu.
5. Director Archives, Archaeology & Museum, J&K Jammu.
6. Chief Engineer, Mechanical Engineering Department, Jammu/Kashmir for information and advised to formulate SOP for standardization of procedures for tendering of Mechanical items in generic manner mentioning National Standards & not specific to particular brand/model to have a fair and transparent tendering process.
7. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
8. Concerned Engineers.
9. Private Secretary to Principal Secretary to the Government, Public Works (R&B) Department
10. Government Order file/Stock file.

(Shahid Mahmood)KAS
Additional Secretary to the Government

2