

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

Subject: Initiation of Regular Departmental Action against Er. Mohammad Yousuf Dhobi the then Junior Engineer R&B Division Khanabal, Anantnag and Er. Nissar Ahmad Pandith, Assistant Executive Engineer R&B Division Khanabal, Anantnag (FIR No. 28/2011 P/S VOK).

Government Order No: 182 -PW(R&B) of 2020

Dated: 19 -06.2020

Whereas, the General Administration Department vide O.M No. GAD(Vig)38-RDA/2018 dated 24.05.2018 has forwarded a copy of communication No. VO-FIR-28/2011-K-5016 dated 03.04.2018 along with Article of Chargers, Statement of Imputation and gist of evidences against the above named Engineers for initiating of Regular Departmental Action against the delinquent public servants for not implement the rules while framing of the bills, in terms of J&K Civil Services (Classification Control & Appeal) Rules, 1956 with the approval of the Disciplinary Authority; and

Whereas, vide this department's letter No. PW(R&B)HRM/20/2018-Vig dated 16.07.2018 memorandum alongwith article of charges and Statement of imputations were served to the said delinquent Engineers for furnishing reply of Article of Charges through Chief Engineer PW(R&B) Department Kashmir and in response, the concerned Chief Engineer has forwarded the reply of these Engineers; and

Whereas, the response was examined in the department and vide Government Order No. 593-PW(R&B) of 2018 dated 19.11.2018, Er. Showkat Jeelani, I/c Superintending Engineer, PW(R&B) Circle Srinagar-Budgam was appointed as Inquiry Officer to enquire into the allegations levelled against above engineers.

Whereas, the Inquiry Officer vide letter No.SE/DB/24847-48 dated 19.01.2019 has reported that as per the then Assistant Executive Engineer and Junior Engineer, the Tar penetration work for restoration of Seer Hapatnar road during 2009-2010 was taken up in hand due to the bad condition of the road which was done on the directions of then Superintending Engineer and Executive Engineer. The work was completed in time, however the work was also inspected by Vigilance Organization of Kashmir on 12.02.2011 i.e, two years after execution of work and the road by then was macadamized so the Vigilance organization of Kashmir could not make a physical check of then works however they interacted with the locals and verified that the work was done at site as per the report submitted by the then A.E.E Mr. Nisar Pandit. After checking measurement book NO.345 year 2009, they found that the details were not maintained RD wise but KM wise which as per the statement of then Assistant Executive Engineer and Junior Engineer was that the patches were numerous and dimensions were very small and scattered and the entries were getting overlapped and thus creating confusion at No. of spots so instead of that the detailed measurements were taken KM wise. The bitumen was issued from the departmental stores for the said work. Total bill of Rs. 1162143/- as framed including departmental stores and payment to the tune of Rs. 740743/- were made after deduction of departmental store. No codal formalities for the said work were done as the work was taken up on emergent basis. However, the then Assistant Executive Engineer and Junior Engineer have no rule in making payment which is entirely the jurisdiction of the Drawing and Disbursing Officer. There was definitely the laxity of the officer in framing of the bill a Km wise and not RD wise which should not have been done, however, the officer, may be warned to implement the rules while framing of the bills in future.

Whereas, the report was examined and referred to the Development Commissioner (Works) for comments/views in the matter.

Whereas, the Development Commissioner (Works) has opined that as per the communication of vigilance organization Kashmir dated 03.04.2018 and report of the Inquiry Officer Er.Nissar Ahmad Pandith, AEE and Er.Mohammad Yousuf Dhobi, JE be exonerated of all charges with a warning to be issued to them to implement the rules while framing the bills in future. It is also recommended that a circular be issued, that in future no repair work shall be carried out without prior videography of existing road or any other type of structure.

Now, therefore in view of the above, by upholding the recommendations of the Development Commissioner (Works) PW(R&B) department and Inquiry Officer the allegations levelled against Er. Mohammad Yousuf Dhobi the then Junior Engineer R&B Division Khanabal, Anantnag and Er. Nissar Ahmad Pandith, Assistant Executive Engineer R&B Division Khanabal, Anantnag are dropped and case is hereby closed with warning to remain careful in future.

By order of the Government of Jammu and Kashmir

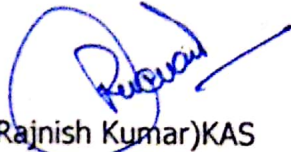
Sd/-
(Shailendra Kumar) IAS
Principal Secretary to the Government

No: PW(R&B) HRM/20/2018-Vig

Dated: 19.06.2020

Copy to the:-

1. Joint Secretary J&K, Ministry of Home Affairs Government of India.
2. Secretary to the Government, General Administration Department. This is with the reference to his O.M. No.GAD(Vig)38-RDA/2018 dated 24.05.2018.
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, R&B, Jammu/Kashmir.
7. Concerned Engineers_____.
8. Private Secretary to Principal Secretary to Government, Public Works (R&B) Department
9. Government Order file/Stock file.


(Rajnish Kumar)KAS
Additional Secretary to the Government