



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

Subject: Cancellation of Tender and allotment of 50 Bedded Integrated Ayush Hospital at Kishtwar- RDA initiated against Er. Rajesh Kumar, Deputy General Manager/ I/c Executive Engineer, Housing Unit-1 Jammu.

Government Order No: 207 PW(R&B) of 2021  
Dated: 23.06.2021

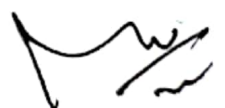
Whereas, the Managing Director, Jammu and Kashmir Housing Board vide communication No.HB/4705-08 dated 28.12.2020 has intimated that:-

- i. Construction work of 50 Bedded Integrated Ayush Hospital at Kishtwar was allotted to J&K Housing Board by the department of Health & Medical education vide No.HD/Plan/51/2018 dated 19.06.2018.
- ii. Administrative Approval for the Project stands accorded by the competent authority vide Government Order No.703-JK(HME) of 2020 dated 16.09.2020.
- iii. Deputy General Manager , Housing Unit No.1, Jammu, namely Rajesh Kumar, vide e-NIT No.02 of 2020-2021 dated 28.05.2020 invited tenders for construction of above said Hospital at an estimated cost of Rs.544.46 lacs. The following three contractors submitted their tenders through online portal:
  1. Sh. Jagdish Chander S/o Sh. Devi Saran R/o Kuleed, Kishtwar.
  2. Sh. Abdul Bari Bhat S/o Sh. Abdul Rehman Bhat R/o Magarmal Bagh, Srinagar.
  3. Sh. Pardeep Kumar S/o Pardeep Kumar S/o Sh. Dina Nath R/o W.No.4, Poonch.
- iv. It was observed that the tenders have been opened by the concerned Deputy General Manager without following prescribed norms and has gone beyond his financial competence of allotment which is Rs.1.50 Crore only. The allotment has been made for an amount of Rs.6,28,39,293.00. The Committee constituted vide JKHB Order No.110 of 2012 dated 25.04.2012 was entrusted to scrutinize the documents submitted by the tenders viz-a-viz the requirements of the e-NIT mentioned at para 4.3 (a to p), 4.6(A(i-ii) 4.6(B,C).7 & 4.8 and procedure of allotment of Contract.
- v. The Committee submitted its report on 24.12.2020 which brings forward the following deficiencies on the part of the tenders:-

- a) The turnover for the last five years in case of Sh. Jagdish Chander S/o Sh. Devi Saran R/o Kuleed, Kishtwar is 16.4%, which is less than the prescribed limit of 33%.
  - b) Sh. Abdul Bari Bhat S/o Sh. Abdul Rehman Bhat R/o Magarmal Bagh, Srinagar does not fulfill criteria of having done similar nature of work which is equivalent to 33% of the advertised cost for single work in any of the previous five years. Each of the two works mentioned by him are less than 33% of the advertised cost which is minimum requirement. Further, the certificates issued by the Deputy General Manager, Housing Unit No.II Srinagar to the bidder are ambiguous.
  - c) All the 3 renderers have not enclosed the defect liability Affidavit as prescribed in the SBD.
  - d) All the 3 tenders have not given the details to calculate the bid capacity as per formula prescribed.
  - e) All the three tenders do not fulfill the criteria as per Clause 2.5 in the case of key persons engaged by them as the persons engaged do not possess the requisite qualification and experience as required in SBD.
- vi. None of the tenderer was eligible for allotment of contract and there was no requirement of opening the financial bids. The opening of technical and financial bids by the concerned Deputy General Manager and further authorization/allotment to Sh. Abdul Bari Bhat S/o Sh. Abdul Rehman Bhat R/o Magarmal Bagh, Srinagar was found void ab initio and vide Order No. JKHB 129 of 2020 dated 24.12.2020, the tender alongwith the allotment/ authorization issued was cancelled.
- vii. The DGM, Mr. Rajesh Kumar was, vide JKHB Order No.129 of 2020 dated 24.12.2020, attached with the office of Director Finance, J&K Housing Board.
- viii. The above action on the part of the concerned DGM warrants initiation into of disciplinary proceedings against him.
- ix. The said DGM, Mr. Rajesh Kumar, was relieved vide JKHB Order No.130 of 2020 dated 28.12.2020 with the direction to report his appointing authority/cadre controlling authority i.e, PW(R&B) Department.

Whereas, vide this Department's letter No.PW(R&B)/G/294/2020 dated 11.01.2020, the article of charges /statement of imputation was served to Er. Rajesh Kumar, the then Dy. General Manager, Housing Unit – 1<sup>st</sup> Jammu through Chief Engineer, Public Works(R&B) Department, Jammu.

Whereas, the said accused has submitted reply of charges, the case examined and vide Government order No.53-PW(R&B) of 2021 dated 29.01.2021, Er. Sami Arif Yasvi, Development Commissioner (Works) and Er. Shivanghi Gupta, I/c Assistant Executive





Engineer, Unit-II J&K Housing Board Jammu have been appointed as Inquiry Officer and Presenting Officer respectively to enquire into the matter.

Whereas, the Inquiry Officer vide Communication No.PW/DCW/PS/837/21 dated 02.06.2021 has reported that on perusal of the records available, it is found that the observations raised by the committee are based on facts. The Deputy General Manager, without proper evaluation of the tenders and in violation of the codal procedures, has allotted the said work to the contractor beyond his competence. This clearly depicts the carelessness on part of the officer in delivering his duties and recommended that the disciplinary action may be initiated against the officer, Er. Rajesh Kumar, the then Deputy General Manager, JK Housing Board Unit-1 Jammu, by way of censuring him and also, he may not be given any sensitive posting in future.

Whereas, the case was submitted to the competent authorities for closure of the same and the authorities have approved the case.

Now, therefore, in terms of Rule 30 of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956, Er. Rajesh Kumar, the then Deputy General Manager, JK Housing Board Unit-1 Jammu is hereby censured for dereliction of duties relating to construction of 50 bedded integrated Ayush Hospital at Kishtwar.

By order of the Government of Jammu and Kashmir

Sd/-

(Shailendra Kumar) IAS

Principal Secretary to the Government

No. PWD(R&B)/8/2021-01-Dept of PWD R&B (e-office)

Dated: .06.2021

Copy to the:-

1. Financial Commissioner, Health and Medical Education Department.
2. Principal Secretary to the Government, Housing and Urban Development Department.
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. Managing Director, J&K Housing Board.
7. Chief Engineer, PW(R&B) Department, Jammu.
8. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
9. Concerned Engineer.
10. Private Secretary to Principal Secretary to the Government, Public Works (R&B) Department.
11. I/c Website.
12. Government Order file/Stock file.
- 13.

Copy also to:

Joint Secretary (J&K), Ministry of Home Affairs Government of India.

(Shahid Mahmood)KAS

Additional Secretary to the Government