



E-mail:- compwd@ridffmail.com
Phone No. 0194-2506205-Sgr.
0194-2506054-Fax

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

Subject:- Initiation of Regular Departmental Action against Mr. Shah Jahan Peer, the then Executive Engineer (R&B) Division Kupwara (Veri-BK-19/2017).

Government Order No:- 252, PW(R&B) of 2021
Dated:- 20 -08-2021

Whereas, the General Administration Department vide O.M No. GAD(Vig)01-RDA/2019 dated 28.01.2019 has forwarded a copy of communication No. ACB-Veri-BK-19/2017-19602-04 dated 19.12.2018 along with Article of Charges, Statement of Imputation and gist of evidences against Mr. Shah Jahan Peer, the then Executive Engineer, R&B Division Kupwara for initiation of Regular Departmental Action against him, as recommended by the Anti Corruption Bureau, in accordance with J&K Civil Services (CC&A) Rules, 1956 with the approval of Disciplinary Authority.

Whereas, the Anti Corruption Bureau has stated that during the course of verification, the allegations leveled in the complaint could not be substantiated, however, the rules governing prior approval of competent authority for extension of works have been blatantly disregarded and extension to the tune of RS. 23.15 Lacs in following works has been found given by the then Executive Engineer namely Shah Jahan Peer in violation of codal formalities:-

- I. Construction of Rest House at Helpal Kupwara,
- II. Balance work for Rest house at Helpal Kupwara,
- III. Providing and fixing of plain Jaffin Work to lawn at Dak Bunglow Kupwara in Deodar Wood,

Whereas, vide this Department's letter No. PW(R&B)/HRM/05/2019-Vig dated 26.02.2019, the Article of Charges, Statement of Imputation and Gist

of Evidence was served upon the said Engineer through Chief Engineer, PMGSY, Kashmir.

Whereas, the said Engineer submitted his reply vide letter No. PMGSY-BLA-2002 dated 02.03.2019.

Whereas, the case was examined and vide Government Order No. 226-PW(R&B) of 2019 dated 22.04.2019, Mr. Roop Lal Angurana, the then I/c Superintending Engineer, PMGSY Circle Baramulla was appointed as Inquiry Officer to enquire into the allegations leveled against Mr. Shah Jahan Peer, the then Executive Engineer PW (R&B) Division Kupwara.

Whereas, Mr. Roop Lal Angurana, I/c Superintending Engineer, PMGSY Circle Baramulla vide letter No. SE-PMGSY/Bla/790 dated 26.06.2019 reported that the balance work of "rest house at Helpal Kupwara" was allotted in favour of Akhtar Ali Khan, S/o Nasrullah Khan R/o Batpora holding registration No. 90/A/SE/Hyd/DEE/Sgr/2012-13 and TIN No. 01772211408 for an amount of Rs. 3.88 lac by the Executive Engineer R&B Division Kupwara vide Allotment No. 2999-3003 dated 29.07.2015 against which the payment was amade to the contractor to the tune of Rs. 9.91 Lac exceeding Rs. 6.03 lac over the allotted cost. The excess work was executed by the Executive Engineer through the same contractor and accorded the approval for excess amount for Rs. 6.03 Lac vide letter No. 10167 dated 29.03.2016 on the work done estimate submitted by the AEE wherein the Exeuctive Engineer has expressed urgency for execution of additional items mainy providing and fixing of wooden truss over the rest house.

Whereas, work providing and fixing of plain Jaffrey work to lawn at Dak Banglow Kupwara of Deodar wood was allotted to sh. Bilal Ahmad Mir S/o Abdul Rashid Mir R/o Kupwara for an amount of Rs. 2.87 Lac by the Executive Engineer Kupwara vide allotment No. 8549-50 dated 31.12.2014. funds to the tune of Rs. 20.00 lac for Dak Banglow at Kupwara were released by the Chief Engineer PW(R&B) Kashmir vide his letter No. CE/R&B/BS/K/335 of 2016-17 dated 08.03.2017 issued under endorsement No. BS/28585-88 dated 08.03.2017 issued under endorsement No. BS/28585-88 dated



08.03.2017 which were further released and placed at the disposal of Executive Engineer R&B Division Kupwara by the SE PW(R&B) circle Baramulla Kupwara via order No. 284 of 2016-17 dated 17.03.2017 under endorsement No. 17178-79 dated 17.03.2017. As the funds were released at the fag end of the financial year, the time left was not sufficient to execute the work after floating tenders and under tremendous political pressure and urgency expressed by the then Honble Member Parliament Sh Fayaz Ahmad for completion of work, the Executive Engineer executed the work on war footing through the same contractor and accorded approval of additional items amounting to Rs. 17.12 lac over the allotted cost vide his letter No. 7292 dated 31.03.2017 on the work done estimate and recommendations submitted by the concerned AEE vide his letter No. 200/B dated 29.03.2017. The rates charged by the Executive Engineer for additional items beyond the allotment in both the cases are in accordance with the rates already allotted during the year 2014 and 2015 under different allotments in the vicinity of the area. The Executive Engineer has taken this step to avoid lapsing of funds allotted for a particular purpose at the fag end of the financial year, in the larger interest of public, development and public representative i.e, Hon'ble Member Parliament Sh. Fayaz Ahmad.

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

Whereas, the then Development Commissioner (Works) opined that the allegations leveled in the complaint were not proved/based on facts. The Executive Engineer Sh. Shah Jahan Peer the then Executive Engineer (R&B) Division Kupwara be exonerated and recommended, however, a circular be issued that in future no extension of works shall be allowed and no repair work shall be carried out without prior videography of existing work. Thus the Development Commissioner (Works) agreed with the report of inquiry officers to exonerate the Executive Engineer Sh. Shah Jahan Peer and the RDA was recommended to be closed. Accordingly, the case was closed vide Government Order No. 509 JK PW(R&B) of 2019 dated 06.12.2019.



Whereas, the General Administration Department vide O.M No. GAD(Vig)01-RDA/2019 dated 04.12.2020 has intimated that on examination of the said case in the Department, the Competent Authority has observed as under:-

"..... This is again a case where codal formalities have been blatantly violated and refuge is being taken that the works have been undertaken due to political pressure. The fact that R&B Department, has after examining this particular case, felt the need to issue circular instructions to all the subordinate offices to follow procedure is by itself admission of the fact that irregularities have been committed in the case.

In these circumstances, the action taken cannot be confirmed as the department is proposing exoneration of the charged officer with a warning. The department may be directed to impose appropriate penalty commensurate to the misconduct of the charged officer and submit the case thereafter for approval and necessary action in the matter may be taken accordingly."

Whereas, the case was again examined in the department and further referred to the Development Commissioner (Works) to analyse the case and recommend the suitable punishment accordingly. The DCW was returned the file as:-

"Upon perusal of the file, it has been observed that said officer has violated the codal provision and executed works by extending the contracts for the following two works:-

Balance work of "Rest house at Helpal Kupara allotted for an amount of Rs. 3.88 lacs vide Allotment No. 2999-3003 dated 29.07.2015. The said contract has been extended beyond originally allotted items/cost by way of Providing wooden truss to Rest house by Rs. 6,03,005.

Providing and fixing of plain jaffery to lawn at Dak Banglow Kupwara in Deodar wood allotted for an amount of Rs. 2.87 lacs vide Allotment No. 8549-50 dated 31.12.2014. The said contract has been extended beyond originally allotted items/cost by way of providing fixing of ready made wooden paneling on walls and civil works at Dak Banglow Kupwara by Rs. 17.12 lacs.



The officer has restored to this act in view of placement of funds at the fag end of year without any approved allocation for the same. The funds to the Executive Engineer were allotted on 17.03.2017. Further, repeated requests were made by Hon'ble MP Rajya Sabha for his suitable accommodation in the Dak Banglow in view of security reasons. In view of above facts and no loss to state exchequer, a strict warning may be issued to the delinquent officer for adhering strictly to the coal provisions/formalities".

Now, therefore, in terms of rules 30(I) of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956, with the approval of the Competent authority, Mr. Shah Jahan Peer, the then Executive engineer (R&B) Division Kupwara (Veri-BK-19/2017) is hereby censured for dereliction of duties.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shailendra Kumar) IAS
Principal Secretary to the Government

No. PWD-RDA/26/2021-01-Department of PWD R&B
Copy to the:-

Dated 10/08/2021

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)01-RDA/2019 dated 28.01.2019 and O.M. No. GAD (Vig) 01-RDA/2019 dated 04.12.2020.
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, Public works (R&B) Department,, Jammu/Kashmir
7. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
8. Concerned Engineer
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