

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

Circular

In numerous cases, Administrative Department has been dragged in court where back ground of the cases are not known in the department and in a few cases Administrative Secretary, PW(R&B) Department is asked for personal appearance in the Hon'ble Court. While going through various court case matters, it has been observed that Superintendent Engineers/Executive Engineers and other field functionaries are taking up works without accord of Administrative Approval, Technical Sanction and Budgetary Allocation which are against financial discipline, resulting into court cases. Besides, these works are been taken up without availability of encumbrance free land and without approval of the government and provision of compensation.

It is therefore enjoined upon all Chief Engineers/ Superintending Engineers/ Executive Engineers to strictly follow codal/procedural formalities while taking up works and only those works shall be executed which are part of Capex Budget or any other programme approved by the competent authority to avoid court cases. It is further impressed upon all the concerned to desist from such practices failing which concerned Chief Engineer/Superintending Engineer/Executive Engineer shall be personally responsible for omission, commission and connivance.

It is to be ensured that only approved works for which assured budget allocation is available is put to tenders and in NIT's "funds available" shall be clearly mentioned instead of term "funds demanded" and availability of AA.

It has also been observed that Executive Engineers are mentioning "funds have been demanded" while filing affidavit in Hon'ble Court. It must be understood and known that mere writing for funds to higher authorities does not result automatically into availability of funds. It is to be imbibed that budget of the department is voted by Legislative Assembly/Parliament which remains unaltered till Revised Estimates. During Budget Estimates/Revised Estimates every HOD is communicated with the outlay of the department/directorate. During the Financial Year if any project has been taken up with prior approval of competent authority,

it is required to be reflected in Annual Budget of the Circle/Division/Directorate. Therefore, it is directed that wherever such instances have occurred and "funds demanded" have been mentioned in one affidavit, the work/project must be reflected in Annual Action Plan of Directorate/Circle/Division of R&B Department. Therefore, while filing affidavit in Hon'ble Court the following information must be presented before Hon'ble Court to understand the issue in its right perspective:

- a. Name and designation of officer who has authorized tender/taking up of that work and being contested in the court of law.
- b. Date of tender notice along with copy of tender notice.
- c. Whether AA accorded or not and if not, name and designation of officer who has indulged in taking up of that work.
- d. Whether letter for additional financial resources issued, if yes, copy of that letter.
- e. Whether after writing that letter the work was included in Annual Works Plan, if not, reasons thereof.
- f. The present incumbent Superintending Engineer/Executive Engineer must then spell out the name and designation of the officer/official due to whom financial mess and administrative impropriety have been resulted into court case.
- g. If affidavit has already been filed with "funds have been demanded", additional affidavit must be filed in Hon'ble Court of Law reflecting in above information as supplementary affidavit.

All the concerned must note that if at any occasion such kind of affidavit is filed in Hon'ble Court of Law mentioning "funds have been demanded" and personal appearance of Chief Engineer or Administrative Secretary takes place, the concerned Superintending Engineer/Executive Engineer shall be personally responsible and no integrity certificate shall be issued for such officers/officials. Financial Discipline and Administrative propriety has to be ensured at all cost.

No.PW(R&B)Plan/Circular/57/2019

↓
0

Sd/-
Principal Secretary to Government
PW(R&B) Department
Dated:- 09 -10- 2020

Copy to the:-

1. Registrar General, Hon'ble High Court J&K, Srinagar.
- 2-3. Chief Engineer, PWD(R&B) Department, Jammu/Kashmir.
- 4-5. Chief Engineer, PMGSY, Jammu/Kashmir.
- 6-7. Chief Engineer, MED, Jammu/Kashmir
8. Chief Engineer, DIQC, J&K, Jammu.
9. Chief Engineer, Mughal Road Project, J&K, Srinagar.
10. Director Finance, PW(R&B) Department.
11. Director Planning, PW(R&B) Department.
12. Additional Secretary Law, PW(R&B) Department.
13. OSD to Advisor (B) to Hon'ble Lieutenant Governor, J&K.
14. All Superintending Engineers/Executive Engineers for compliance.
15. Pvt. Secretary to Principal Secretary to Government, PW(R&B) Department.

Additional Secretary to Government
PW(R&B) Department

9/10/2020

[Signature]