



सत्यमेव जयते

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

Subject: Regular Departmental Action against Sh. Mohan Lal Kundan, the then Executive Engineer in PW (R&B) Department Spl. Sub Division Marwah, (Verification No. UD-13/2018)

Government order No. 116 PW(R&B) of 2024
Dated: 22-04-2024

WHEREAS, the ACB vide communication No.ACB-E-50121/Veri-UD-13/2018/16446-49 dated. 19.09.2022, addressed to the General Administration Department and a copy endorsed to the Public Works Department, recommended to Initiate Regular Departmental Action against Sh. Mohan Lal Kundan, the then Executive Engineer in PW(R&B) Department, Spl. Sub Division Marwah, in terms of the J&K Civil Services (Classification, Control & Appeal) Rules, 1956;

AND WHEREAS, the ACB in their communication conveyed that Sh. Mohan Lal Kundan, the then Executive Engineer PW(R&B), Spl. Sub Division Marwah, during the year 2017-18, without adopting due course of norms and procedures, executed works for clearance of snow from Margan to Inshan, Inshan to Marwah, Inshan to Basmina and Inshan to Margi (Inshan to Mingil) and other works and no tenders were floated/e-tendering was made in respect of these snow clearance works. The damage report was also not submitted by the said Executive Engineer to the higher authorities for the concerned period before execution of works;

AND WHEREAS, the case was examined in the department it was decided to charge sheet the officer. Accordingly, vide communication No.PWD-HRM1/217/2022-05 dated 22.11.2022, the Article of Charges were served on the accused Engineer through Chief Engineer, PW(R&B) Department Jammu;

AND WHEREAS, the officer submitted his reply to the Article of Charges, which was examined in the Department and it was decided to conduct an enquiry into the matter;

AND WHEREAS, vide Government Order No.473-PW(R&B) of 2022 dated 26.12.2022, Er. Ram Pal Gupta, I/c Superintending Engineer, R&B Circle Doda-Kishtwar-Ramban, was appointed as Inquiry Officer into the matter. Er. Mohd Aslam, I/c Executive Engineer, Spl. Sub-Division, Marwah PW(R&B) Department, was appointed as Presenting Officer;

AND WHEREAS, vide communication No.SED/R&B/7249-54 dated 01.08.2023, the Inquiry Officer submitted his report in which he, inter-alia, recorded his findings as under:-

"The area of Marwah and Warwan remains cut off from the rest of the

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Districts as well as State during winter season because of heavy snowfall from December to April. During winter season heavy snowfall occurs on the Margan Top road which is at an altitude of (12000ft.) above mean sea level with snow accumulation of about 5-6 mtrs. These roads are also prone to heavy avalanches, rock slides and heavy slips. The Government keep all the essential Commodities dumped well in advance for the public upto month of March of financial year and after March tremendous pressure starts mounting from the Govt./Divisional and District Administration for opening of these roads on war footing basis for ensuring the fresh supply of essential commodities with the exhaust of the already dumped commodities. As the area remains under heavy snow cover and is not accessible during winters, actual quantities of damages cannot be ascertained for floating of tenders. The tendering process is based on the realistic estimation of items of damages involved at site which are not available due to inaccessibility to the area.

Keeping in view these urgencies for opening of these roads on war footing basis and not having realistic estimates with the availability of the data of actual items of the works involved in the damages, the tendering process was not possible. The then officer has opened the roads as per past practice in vogue in the Division for opening of the roads on war footing basis without causing any delay for the regulation of the vehicular traffic in the area for dumping of essential commodities etc. and for the hindrance free movement of the General public.

The area of Marwah and Warwan is far flung area situated in the North side of District Head Quarter Kishtwar. The area remains cut off from the District Head Quarter as well as State during the winter season. The roads in the area are prone to heavy avalanches and rock slides and occurrence of heavy slips. The area of Margan Top (12000 ft. above mean sea level) remains under heavy snow cover of about 5-6 mtrs. The area is not accessible during harsh winters. The damage to be accessed at site was not possible in view of the harsh weather conditions together with timely inaccessibility to the sites.

As such the damages therefore were accessed side by side with the start of restoration process of road in the month of April-May. The damage report was submitted to the higher authorities after restoring the roads. It is presumed that the officer in question had taken the decision promptly in view of the pressing demand of public for opening of the roads as per past practice in the general welfare of the public of a far flung area for transportation of all the required essential commodities to avoid any shortage of the same in the area after winter blockade which might piled up starvation in the area by



timely non opening of the roads in the area. Hence it is concluded that there has not been any deliberate attempt by the officer in question for avoiding the tendering process".

AND WHEREAS, the report submitted by the Inquiry Officer was examined in the Department and the case file was also referred to the Engineer-In-Chief (EIC) of the Department, who observed that in view of the fact that ACB has found work executed at site and reported reasonability of rates, the charges against the officer may be dropped, with a warning to him to be vigilant in future and ensure strict adherence to codal formalities. The EIC also observed that now the roads under snow are being cleared under a comprehensive plan of PWD;

AND WHEREAS, during examination of the case, it has been found that Sh. Mohan Lal Kundan has retired on superannuation on 31-01-2022;

AND WHEREAS, the case has been examined further in the Department in light of the findings of the Inquiry Officer and the observations of EIC of the Department and with the approval of the competent authority, it has been decided to drop the charges levelled against Sh. Mohan Lal Kundan and close the case.

Now, therefore, the charges levelled against Sh. Mohan Lal Kundan, the then Executive Engineer in PW (R&B) Department, Spl. Sub Division Marwah, are dropped and the Regular Departmental Action initiated against him is closed.

Sd/-
(Bhupinder Kumar), IAS
Secretary to the Government


No. PWD-HRM1/217/2022-05-R&B DEPARTMENT (CC: 058674) Dated: 22.04.2024

Copy to the:-

1. Commissioner/Secretary to the Government, General Administration Department.
2. Director, Anti Corruption Bureau, J&K.
3. Engineer in Chief, Public Works (R&B) Department, J&K.
4. Director Archives, Archaeology & Museum, J&K.
5. Chief Engineer, PW(R&B) Department, Jammu.
6. Concerned.
7. Private Secretary to Secretary to the Government, Public Works (R&B) Department.
8. Government Order file/Stock file.

Copy also to the:

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


(Namrita Bhan) JKAS
Under Secretary to the Government

22.04.2024

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