



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

Subject:- OA No. /2023 titled Sanjay Koul V/s UT of J&K and others.

Government Order No. 181 - PW(R&B) of 2024  
Dated: 03 -07-2024

WHEREAS, the Department received an order dated 12.05.2023 passed by the Hon'ble Central Administrative Tribunal in OA No. /2023 titled, "Sanjay Koul V/s UT of J&K", the operative part of the which reads as under:-

"Accordingly, the Original Application is disposed of with a direction to the Principal Secretary to Government, Public Works (R&B) Department, Union Territory of Jammu & Kashmir (Respondent No. 1 herein) to decide the applicant's pending representations dated 23.07.2022 and 27.07.2022 and revisit the order dated 04.12.2021 vide which the applicant was placed under suspension. Before taking any decision into the matter, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of four weeks from the date of receipt of a certified copy of this order".

AND WHEREAS, the above judgment was examined and vide this Department's letter dated 16.06.2023, Mr. Sanjay Koul Junior Engineer (under Suspension) was asked to appear in person along with all records in support, on 19.06.2023 at 3.30 pm in the office chamber of Additional Secretary to Government, PW(R&B) Department, J&K, Civil Secretariat at Jammu, for making his submissions. In compliance, the applicant attended the office of Additional Secretary to Government, PW (R&B) Department at Jammu, briefed about the incident and submitted detailed written statement;

AND WHEREAS, examination of relevant records in the Department reveal that a complaint was filed by the Respondent No.4-Mohd. Adiem Parihar alleging that a demand of Rs. 3 lakhs has been made by Sh. Hilal Ahmed Sheikh, the then Superintending Engineer (SE) PWD(R&B) Udhampur-Reasi Circle for processing his file relating to Technical sanction of project awarded to the complainant, i.e; Respondent No. 4 herein ,through a valid tender for construction of Medical Sub-Centre in District Reasi (2017-2018), under PWD (R&B) Division, Reasi (of which complainant had executed some part of project), allegedly in conspiracy with one Sh. Pradhimen Krishan Koul @ P.K.Koul, which led to the filing of a case registered by CBI, Special Police Establishment,ACB,Jammu in terms of FIR No. RC0042012A0012 dated 01.12.2021 and the same stands investigated and challan finally filed before the Court of Special Judge Anti-corruption (CBI cases) ,Jammu on 08-01- 2022 and the case is pending trial before the Hon'ble Court;

AND WHEREAS, in pursuance to the registration of aforesaid F.I.R, the applicant got arrested however, later on the applicant was released on Interim bail by the Court of Special Judge Anti Corruption (CBI Cases) ,Jammu on 04.12.2021;

AND WHEREAS, consequent upon the alleged arrest of the applicant in the aforesaid FIR, vide Government Order No. 361-PW(R&B) of 2021 dated 04.12.2021, he, among others, was placed under

Suspension and subsequently vide Government Order No.23-PW(R&B) of 2022 dated 20.01.2022, he was attached with Respondent No. 2-Chief Engineer, PW(R&B), Jammu;

AND WHEREAS, the General Administration Department vide Government Order No.01-JK-GAD (Vig) of 2022 dated 04.01.2022 accorded prosecution sanction against the following accused in service public servants/ Engineers:-

1. Hilal Ahmed Sheikh S/o Mhd Ismail Sheikh R/o Kolipora, Khanyar, Srinagar, the then SE, PW(R&B) Department, Circle Udhampur-Reasi, Udhampur.
2. Predhimen Krishan Koul S/o Makhan Lal Koul R/o H.NO.35/1, Rajinder Nagar, Ban Talab, Jammu the then TO, O/o SE, PW(R&B) Udhampur-Reasi, Udhampur.
3. Sanjay Koul S/o Omkar Nath Koul R/o Village Kashira, Air force Road, Udhampur, the then JE, O/O SE, PW(R&B) Udhampur-Reasi, Udhampur.

AND WHEREAS, in the said Government Order, the General Administration Department has directed this Department for consideration of the matter in terms of Rule-31 of the J&K Civil Services (Classification, control and Appeal) Rules, 1956, and Government Instructions issued there under;

AND WHEREAS, in terms of the Hon'ble CAT order dated 12-05-2023, the case of the applicant was referred to the General Administration Department for placing the same before the Review Committee to review the suspension of the applicant;

AND WHEREAS, the case of the applicant was examined/considered by the Review Committee of the General Administration Department in its meeting held on 31.01.2024. Perusal of minutes of the meeting reveal that the following deliberations were held in this case:-

"Mr Sanjay Koul, Junior Engineer, Office of Superintending Engineer, PW(R&B) Udhampur Reasi circle, Udhampur was placed under suspension vide Government Order No. 361-PW(R&B) of 2021 dated 04.12.2021 issued by PW(R&B) Department, following registration of CBI Case No. RC0042021A0012 dated 01.12.2021, for demanding and accepting bribe of Rs 3,00,000/- from the complainant for giving technical sanction of construction of work namely "Construction of Health Sub-Centre building/Staff Quarters at chillad (G+1)" allotted to the complainant's firm name and style of M/S Mohd. Adiem Parihar & Co.

The CBI vide letter No.3597/RC0042021A0012/CBI/ACB/JAMMU dated 20.12.2021 and No. 3600/RC0042021A0012/CBI/ACB/JAMMU dated 20.12.2021 forwarded the final report to the General Administration Department for accord of sanction to the prosecution of the accused public servant.

With the approval of the Competent Authority, sanction for prosecution of the accused officer was accorded by the General Administration Department, vide Government Order No. 01-JK-GAD(Vig) of 2022 dated 04.01.2022. Besides, consequential action was also approved against the said engineer by the Competent Authority, to be initiated by the PW(R&B) Department."

AND WHEREAS, in the said meeting, the Review Committee has taken the following decision

in the case:-

During the deliberations, the Committee was apprised that the charge sheet/Challan has been produced before the Trial Court which is subjudice.

The Committee noted that the charges against the Engineer are of grave nature, therefore, the engineer shall continue to remain under suspension. The committee further

recommended that PW(R&B) Department shall conclude the Departmental proceedings (RDA) initiated against the engineer within the specified time period."

Now ,therefore , in pursuance of decision of the Review Committee,it is hereby ordered that Shri Sanjay Koul , the then Junior Engineer, office of SuperIntending Engineer, PW(R&B) Udhampur-Reasi Circle, Udhampur, shall continue to remain under suspension till Departmental proceedings (RDA) is concluded and charges against him are decided by the Hon'ble Trial Court.


By order of the Government of Jammu and Kashmir.

Sd/-  
(Bhupinder Kumar) IAS,  
Secretary to the Government  
Dated: 03 -07-2024

No:-PWD-LIT/172/2023-05 (E-7193350)

Copy to the:-

1. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
3. Commissioner/ Secretary to the Government, General Administration Department.
4. Director Archives & Archeology & Museums J&K, Srinagar.
5. Chief Engineer PW(R&B) Department, Jammu.
6. OSD to Advisor(B) to the Hon'ble Lieutenant Governor, J&K.
7. Additional Secretary, Law, PW(R&B) Department.
8. Private Secretary to Secretary to the Government Public Works(R&B) Department.
9. Mr Hunar Gupta, Government Advocate, Hon'ble CAT, Jammu.
10. In-Charge Website PW(R&B) Department.
11. Government Order file/Monday returns file.

  
(Hamid Hameed)  
Under Secretary to the Government  
Public Works(R&B) Department  
