



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

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Subject: JSC-SLKB-17/2018 - Initiation of RDA against (1) Ghulam Rasool, the then Executive Engineer, (2) Devidas Heer, the then Executive Engineer, (3) Amarjeet Singh, the then AEE, and (4) Sanjay Kotwal, the then Jr. Engineer, Technical Education Department (Now Skill Development Department), Srinagar.

Government Order No. - 260 PW(R&B) of 2023
Dated: 19.06.2023

Whereas, the General Administration Department vide communication No. GAD-VIGORDA/119/2021-02-GAD dated.11.01.2022, forwarded a copy of communication No.ACB-JSC-SLKB-17/2018-13768-70 dated:14.07.2021, alongwith allied documents of ACB viz. draft Article of Charges, Statement of Imputations and Gist of Evidence and recommended for initiation of RDA against the following Engineers:-

1. Er. Ghulam Rasool, the then Executive Engineer.
2. Devidas Heer, the then Executive Engineer.
3. Amarjeet Singh, the then AEE.
4. Sanjay Kotwal, the then Junior Engineer.

Whereas, the ACB alleged that one departmental work for repair /renovation of (DTE) complex at Bemina Srinagar was executed and it has been observed that repair/plaster and plastering has been paid as per percentage to the next surface area, which is against the codal procedure of paying which otherwise is as per the actual measurement.

Whereas, instant case was received from General Administration Department on 11.01.2022. The case was examined thoroughly and it came to fore that one delinquent officer, namely Er. Devidas Heer, the then Executive Engineer has attained superannuation on Feb.2020. Therefore the said Engineer is beyond the purview of Article 168-A of JK CSR.

Whereas, the Department served the article of charges to the following Engineers who are in active service:-

1. Er.Ghulam Rasool, the then Executive Engineer.
2. Er.Amarjeet Singh, the then AEE and
3. Er.Sanjay Kotwal, the then Junior Engineer.

Whereas, the above 03 Engineers were charge sheeted through concerned Chief Engineer. The accused submitted their replies to the charges, same was examined and the replies were found not lucid and satisfactory. Consequently vide


19.6.2023

Government Order No. 168-PW(R&B) of 2022 dated 13.05.2022, Er. Mian Abdul Naim, Superintending Engineer, PW(R&B) Circle Srinagar-Budgam and Er. Farooq Ahmad Khan, I/c Executive Engineer, Landscape Division Srinagar, were appointed as Inquiry Officer and Presenting Officer respectively to conduct the enquiry into the matter.

Whereas, the Inquiry Officer vide communication No.SE/PS/22051 dated: 10.02.2023, submitted report of execution of works executed by each accused Engineer as:-

1. With regard to Er. Ghulam Rasool, the then Executive Engineer:

Charge: Executed repair / renovation of DTE complex at Bemina Srinagar and providing and fixing of false ceiling to the conference hall at ITI Pattan.

"It has been established that the work i.e repair to plaster of thickness 12mm to 20mm in patches of area 2.50 sqm and under including cutting the patches in proper shape, raking out joints and preparing the surface smooth has been paid to the contractor as per the detailed measurements recorded at M. Book No. 33/DTE/EE/K. The said officer have maintained absolute integrity and honesty in this regard. The work for providing and fixing of false ceiling (Khatamband) to Conference Hall at ITI Pattan was executed prior to his posting in Technical Education i.e during 2015-16 and the same was inaugurated by the then Hon'ble Minister for Technical Education in Aug-2015. A bill amounting to Rs 432720 was prepared by the then Junior Engineer, duly checked in full by the then AEE concerned and test check in full was given by the then Executive Engineer and payment of Rs 229000/- was made keeping back an amount of Rs 203720/- for want of revised AA. Revised administrative approval for Rs 2.04 Lacs was accorded vide order No. 181 of 2017 dated:13/03/2017."

2. With regard to Er. Amarjeet Singh, the then Executive Engineer.

Charge: Construction/Establishment of Drivers Rest Room/waiting Room etc. at Direction officer Srinagar.

"It has been observed that the items like Geyser have been executed in the bathroom in Superintending Engineer office, Technical Education Department as per the verbal directions of the then Director, Technical Education Department as these were not any such facilities in Superintendent Engineer office which happens to be in the same floor (ground floor) of the building / complex where drivers room is located. It is to mention here that there is already common bathroom cum toilet facility in the ground floor of the building which drivers are using. An additional facility has been created by the charged officers and government money has been utilized but not wasted / embezzled. However, there is not any written approval for executing these items in Superintending Engineers' Office but have been incorporated in the


14.6.2023





basic estimate and the total expenditure incurred is less than work order amount which implies that funds have been utilized properly. The cost of the various items paid to the contractor is more than the allotted cost and accordingly the questionnaire was put forth to charged officers and as per the replies to the questionnaire that the allotted items like geyser and the cost of additional has been fixed with the PPR fittings for water supply and cost has been incorporated cost geyser and cost of both geyser & PPR fittings has been paid to the contractor by enhancing the allotted cost of the geyser and same has been verified and confirmed from site during site visit and it has been observed that there was necessity of these extra items and the total amount paid the contractor is less than the allotted cost".

3. With regard to Er. Sanjay Kotwal, the then Junior Engineer.

- I. Construction/Establishment of Drivers Rest Room/waiting Room etc. at Direction officer Srinagar.

"It has been established that the work i.e (repair to plaster of thickness 12mm to 20mm in patches of area 2.50 sqm and under including cutting the patches in proper shape, raking out joints and preparing the surface smooth has been paid to the contractor as per the detailed measurements recorded in M. Book No. 33/DTE/EE/K . The said officer have maintained absolute integrity and honesty in this regard.

- II. Providing and fixing of false ceiling to the conference hall at ITI Pattan.

"The payment has been made after 3 years means DLP was over. If bill deposit is still withheld the same may be got rectified by the contractor".

- III. Construction/Establishment of Drivers Rest Room/ waiting Room etc. at Direction officer Srinagar.

"It has been observed that the items like Geyser have been executed in the bathroom in Superintending Engineers' office of Technical Education Department as per the verbal directions of the Director, Technical Education Department as these were not any such facilities in Superintending Engineers Office which happens to be in the same floor (ground floor) of the building/ complex where drivers room is located. It is to mention here that there is already common bathroom cum toilet facility in the ground floor of the building which drivers are using. In view of the above facts, it is to mention here that an additional facility has been created by the charged officer and government money has been utilized but not wasted/ embezzled. However, there is not any written approval for executing these item in Superintending Engineers

Sanjay Kotwal
19.02.23

Office but have been incorporated in the basic estimate and the total expenditure incurred is less than work order amount which implies that funds have been utilized properly. The charges leveled by the presenting Officer in his report that the case of the various items paid to the contractor is more than the allotted cost and accordingly the questionnaire was put forth to charged officer and as per the replies to the questionnaire that the allotted items like geyser and the cost of additional has been fixed with the PPR fitting for water supply and its cost has been. Incorporated cost of geyser and cost of both geyser & PPR fittings has been paid to the contractor by enhancing the allotted cost of the geyser and same has been observed that there was necessity of the extra items (items outside the allotment) and the total amount paid to the contractor is less than the allotted cost".

Whereas, the Inquiry officer has recommended in each case that the charges leveled against the Engineers may be dropped.

Whereas, the case examined in the department and referred to Development Commissioner (Works) for comments in the matter. The DCW returned the file with the following comments reproduced verbatim:-

"From the perusal of report of the inquiry officer it is observed that the charges leveled against the delinquent officer have checked at site as per the record provided and has found that the small area of plaster i.e, 2.50 sq m has been paid as per the detailed measurements and not as lump sum as alleged. The allegation No.2 says that the geyser, tiles, motor and sanitary fitting has been done in the office room of Superintending Engineer and not in drivers room as provisioned in the estimate, the inquiry officer has reported that there is a separate bath room for drivers in the building and the work has been executed as per the verbal instructions of the Director Technical as there was no such facility in the SE Office. The measurements of the payment made for the work executed was found correct at site. The allegation that the khatumband work was fixed on a poor frame found sagging, has found that there was no sag at site at the time of his visit. Moreover minor defects found after completion can be got rectified during the defect liability period. The IO has also reported that the amount of payment made to the contractor is less than the allotted cost".

Whereas, the DCW has remarked that there is no case of misappropriation and embezzlement nor ill intention has been established, the charges leveled against the delinquent officers may be dropped."

Whereas, the case file was submitted before the Competent Authority for final


19.6.2023





decision, the Competent Authority accepted the findings of the case and directed to issue a strict warning to the delinquent officers.

Now, therefore, in light of the above and by upholding the recommendation of Inquiry Officer and Development Commissioner (Works), with the approval of the Competent Authority, the allegations leveled against the following Engineers are dropped and case is hereby closed with a strict warning to be careful in future and to follow the rules while dealing with the execution of the departmental works:-

1. Er. Ghulam Rasool, the then Executive Engineer.
2. Er. Amarjeet Singh, the then AEE.
3. Er. Sanjay Kotwal, the then Junior Engineer.

Similarly, the case of Er. Devi Dass Heer, the then Executive Engineer is also closed in terms of Article 168-A of J&K CSR.

By order of the Government of Jammu and Kashmir.

Sd/-
(Shailendra Kumar) IAS
Principal Secretary to the Government

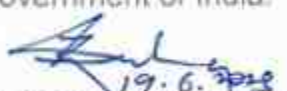
No.PWD-HRM1/16/2022-05- R&B DEPARTMENT (C.N. 21950)

Dated: 19, 06.2023

Copy to the:-

1. Principal Secretary to the Government, Department of Skill Development.
2. Commissioner/Secretary to the Government, General Administration Department for information. This is with reference to his O.M.No. No. GAD-VIGORDA/119/2021-02-.
3. Director Anti Corruption Bureau, J&K.
4. Director Archaeology & Archives, J&K.
5. Chief Engineer, R&B, Jammu/Kashmir.
6. Concerned.
7. Private Secretary to Principal Secretary to the Government, Public Works (R&B) Department.
8. I/c Website, PWD Government Order file/Stock file.

Copy also to the Joint Secretary (J&K), Ministry of Home Affairs Government of India.


19.6.2023
(Dr.Zeba Suliman) IAS
Under Secretary to the Government



