



सत्यमेव जयते

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

Subject:- Initiating of disciplinary proceedings against Sh. Bashir Ahmad Mir the then Deputy General Manager, Housing Unit No.II Srinagar (Presently Executive Engineer, SMC) and Sh. Aljaj Ahmad Wani the then Deputy General Manager, Housing Unit No. II Srinagar.

Government Order No. 281-PW(R&B) of 2023
Dated: 06.07.2023

Sanction is hereby accorded to the appointment of Er. Sajjad Naqeeb, I/c Superintending Engineer, PW(R&B) Circle Srinagar/Budgam, Kashmir as Inquiry Officer to enquire into the allegations levelled against the subject.

Er.Farooq Ahmad Khan, I/c Executive Engineer, Landscape Division, Srinagar shall be the Presenting officer.

The Inquiry Officer shall submit his report/findings to the Administrative Department along with recommendation within one month from the date of issuance of this order.

Any modification in posting shall not debar Inquiry Officer and Presenting Officer of performing their duties vide this order.

By order of the Government of Jammu and Kashmir

Sd/-

(Shailendra Kumar) IAS

Principal Secretary to the Government

Encs: 04 pages

No. PWD-HRM1/65/2023-05-PWD R&B DEPARTMENT (C.No. 7197678) Dated 6.07.2023

Copy to the:-

1. Commissioner/ Secretary to the Government, General Administration Department.
2. Director Anti Corruption Bureau, J&K.
3. Er. Sajjad Naqeeb, I/c Superintending Engineer, PW(R&B) Circle Srinagar/Budgam, Kashmir. The copy of memorandum along with article of charges/statement of imputation and other allied documents are also enclosed herewith for perusal and further action.
4. Er.Farooq Ahmad Khan, I/c Executive Engineer, Landscape Division, Srinagar. The copy of memorandum along with article of charges/ statement of imputation and other allied documents are also enclosed herewith for perusal and further action.
5. Private Secretary to Principal Secretary to the Government, PW (R&B) Department.
6. Government Order file/Stock file/Monday Return.

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


(Dr.Zeba Soleman)JKAS

Under Secretary to the Government
Public works (R&B) Department



Draft Article of Charges

Whereas you Sh. Bashir Ahmad Mir, the then Deputy General Manager, Housing Unit No.II Srinagar (Presently Executive Engineer, SMC) are hereby charged of following violations:-

Whereas, you remained posted as Executive Engineer, Housing Unit No.II Srinagar J&K during the year April, 2020 to December-2022.

Whereas, during your posting of as Deputy General Manger, in Housing Unit No.II Srinagar on deputation basis from Public Works (R&B) Department J&K, during review of projects executed by J&K Housing Board in Kashmir province, it has been observed that the funds to the tune of Rs.161.69 lacs have been diverted by you from SDH Banihal & SDH Rohama to PHC Hamam Markoot Baramulla and from SDH Rohama to Syed Janbaz Wali Community Centre Baramulla .


Whereas, for the purpose, Committees were constituted vide JKHB Order No.15 of 2023 dated.6.2.2023 and JKHB Order No.29 of 2023 dated.3.3.2023 to inquire into the details of amount diverted from various projects.

Whereas, the Committee submitted its report vide No.HU-II/Sgr/2978-80 dated.7.3.2023 and No.HB/Accts/10346-50 dated.10.3.2023, it has been established that you have diverted funds deliberately without any approval from the competent authority. This act tantamount to financial indiscipline leading to financial mismanagement, delay in execution of project due to non-availability of funds in the project from where funds have been diverted

Whereas, you failed to maintain honesty and integrity in discharge of your official duties and have thus acted in a manner unbecoming of a public servant thereby violating the provisions of Rules (3) of J&K Government Employees, Conduct rules 1971 for which

disciplinary proceedings are recommended and contemplated under rule 33 of J&K Civil Services (CCA) Rules 1956.

Now, therefore you are hereby called upon to furnish your reply to the above said charges within 15 days time from the date of receipt of the Article of charges failing which it shall be presumed that you have nothing to say in your defense.


(Dr. Zeba Suleman) JKAS
Under Secretary to the Government
Public Works R&B Department.

Sh. Bashir Ahmad Mir,
the then Deputy General Manager,
Housing Unit No.II Srinagar
(Presently Executive Engineer, SMC)



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

Computer No: 7187414
No. PWD-HRM1/55/2023-05-PWD R&B DEPARTMENT
Dated: 07.06.2023

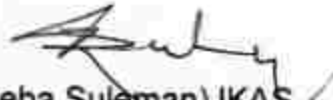
Memorandum

The Government proposes to hold an enquiry against you, the then Deputy General Manager (Executive Engineer) Housing Unit No.II Srinagar (Presently Executive Engineer, SMC). The substance of the imputation of misconduct in respect of which enquiry is proposed to be held is set out in the enclosed statement of Articles of charges as Annexure-I.

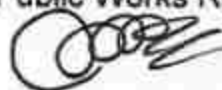
You, the then Deputy General Manager (Executive Engineer) Housing Unit No.II Srinagar (Presently Executive Engineer, SMC) required to submit your reply within 21 days from the date of issuance of this memorandum, a written statement of defence and also to state whether you desire to be heard in person.

You are further informed that if you do not submit your written statement of defence on or before the date specified above, further action as warranted under rules shall follow ex-parte.

The receipt of this memorandum may be acknowledged.


(Dr. Zeba Suleman) JKAS
Under Secretary to the Government
Public Works R&B Department

Sh. Bashir Ahmad Mir,
the then Deputy General Manager,
Housing Unit No.II Srinagar
(Presently Executive Engineer, SMC)





ANNEXURE-II

STATEMENT OF IMPUTATION IN SUPPORT OF ARTICLE OF CHARGES

During review of projects it surfaced that as I/C Deputy General Manager, Housing Unit II Srinagar you have made diversion of funds of amounting to Rs. 161.64 lacs in utter disregard to the conditions mentioned in the release order.

It has been observed that the funds of projects have been diverted from one project to the other and some projects have been completed without receiving full funding from the project authority. Further funds to the tune of 161.64 lacs have been diverted by you as Deputy General Manager, Housing Unit No.II, Srinagar as detailed below -

1. SDH Banihal & SDH Rohama to PHC Hamam Markoot Baramulla (Rs 41.23 lacs)
2. SDH Rohama to Syed Janbaz Wali Community Centre Baramulla .(Rs 120.41 lacs)

In order to ascertain quantum of diversion a committee was constituted vide and JKHB Order No.15 of 2023 dated. 6.2.2023 and JKHB Order No.29 of 2023 dated.3.3.2023 under the Chairmanship of Director Finance J&K Housing Board. The Committee established that funds have been diverted from one project to other deliberately without any approval from the competent authority in utter disregard to the conditions mentioned in the release order, and in gross violation of the financial norms and regulations resulting in delay and even stoppage of work on such projects which have received full funding from the project authorities.