



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

**Subject:-** Initiation of Regular Departmental Action against (1) Mr. Daleep Kumar Aryan, then Dy. conservator of Forests, Agrostology wing, Forest department Jammu, (2) Mr. Arit Gupta, AEE WLP/Forest Dogra Hall Complex, Jammu, and (3) Mr. Vikas Gupta JE, Forest Protection Force Jammu.

Government order No. 290-PW(R&B) of 2023  
Dated: - 13-07-2023

Whereas, the General Administration Department vide communication No.GADVIGORDA/75/2022-02-GAD, dated: 19.10.2022, forwarded a copy of communication No.ACB-JSC- DKR-04/2018-4754-56 dated 23.03.2022, alongwith its enclosures of Anti Corruption Bureau, for initiation of RDA against Er. Arit Gupta, AEE WLP/Forest Dogra Hall Complex, Jammu and Mr Vikas Gupta JE, Forest Protection Force Jammu, in terms of J&K Civil Services(Classification, Control & Appeal) Rules, 1956.

Whereas, the ACB J&K Jammu, intimated that a Joint Surprise Check was conducted to look into the allegations against officers/officials of Forest department jammu for preparing bills and making full advance payment to both the contractors in the month of March 2018 when the work was still in progress, non completion of work with in stipulated period of 45 days as per the terms and conditions laid down in the allotment order, non deduction of negotiated rebate of 1% and 4% etc, charging 0.63 mm thickness for CGS sheets for making payments instead of 0.50 mm used on spot for construction of shelter Sheds for Nomads at Sinthan Pathri, District Kishtwar and Shaitani Nallah Banihal, District Ramban in the month of March 2018.

Whereas, Er. Arit Gupta, AEE and Mr. Vikas Gupta JE were charge sheeted through concerned Chief Engineer. The accused submitted their replies to the charges, same was examined by the department and it was decided to conduct an inquiry into the matter.

Whereas, Vide Government order No. 432-PW(R&B) of 2022 Dated. 29.07.2022, Er. Kishore Kumar, Superintending Engineer, PW(R&B) Udhampur-Reasi Circle Udhampur and Er. Rafiq Ahmad, Assistant Executive Engineer, Forest Protection Force/Forest Department, Jammu were appointed as Inquiry Officer and Presenting Officer respectively to conduct the enquiry into the matter.

Whereas, the Inquiry Officer vide communication no. 15028-29 dated. 21.01.2023, submitted report which is reproduced verbatim as under:-

"During the tenure of Er. Arit Gupta, as Assistant Executive Engineer in the Forest Department two Nos Tender were floated by the department vide e-NIT No. 1 of 2017-18 and No.3 of 2018 both dated:- 28-11-2017 by the tender inviting authority Mr. Daleep Kumar

*(Handwritten signatures)*

Aryan the then Dy Conservator of Forests, Agrostology Wing Jammu for the construction of Shelter Sheds at Sinthan Top Kishtwar and Shaitani Nalla Banihal for Nomads in their migratory routes. The work for the construction of Shelter Shed at Shaitani Nallah was allotted to Mr. Bashir Ahmed Wani R/o. Banihal vide allotment No. Ag/J/Tender/Sheltershed/25-29 Dated:08-01-2018 for an allotted cost of Rs.35,13,461/-(after negotiated rebate of 4%) and work for the construction of Shelter Shed at Sinthan Top was allotted to Mr. Mushtaq Ahmed Rather R/o. Kishtwar vide allotment No. Ag/J/Tender/sheltershed/80-84 Dated: 15-01-2018 amounting to Rs.35,09,562/- (after negotiated rebate @1%) by the allotting authorities.

Both the allotments were accompanied with the allotted rates mentioned in the allotment order for each and every item being got executed at site.

Both these works have to be completed within the stipulated period of 45 days, but the work could not be completed within prescribed period due to in-conducive weather conditions.

The bills for both the works were prepared by the JE Mr. Vikas Gupta for releasing the payments in favor of the contractors amounting to Rs. 34,70,638/- and Rs.34,25,344/- respectively without deducting the rebates of 4% & 1% erroneously. The progress of the works were not monitored due to far off area and being the only AEE looking after all the works of the department in whole of Jammu Province, and after visiting both the sites the left-out items of works were got completed and at present both the works are completed as per allotted scope of works. So far as the 4% & 1% negotiated rebates which were erroneously not deducted during the running bills were deducted in the final bills after thoroughly checking with the rate list and quantum of work allotted and as such no extrapayments have been made to the contractors and there is no loss to the Government Exchequer on these accounts and honesty and integrity has been maintained during the submission of final bills.

Both the works were allotted in January 2018 and has to be completed in 45 days under the close supervision of Engineering Staff within the prescribed period but execution of works were delayed due to inclement and in-conducive weather conditions being falls under snow bound area and it was not feasible to execute items of works involving cement works. It is pertinent to mentioned that Er. Vikas Gupta, was only one Junior Engineer who was also looking after all the assigned works in erstwhile Jammu Province and it is thus not possible to attend each and every work daily .

E-NIT tender was invited on 28-11-2017 & was opened on 09-12-2017 & the allotment was made on 15-01-2018. E-NIT tender is based on the two-cover system one is Technical Evaluation and second is financial bid, the AEE was member of the Technically evaluation committee and after the tender are Technically evaluated then financial bids of the responsive bidders were being opened by the tender inviting authorities. However, financial bid was

 

  
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scrutinized by the tender opening committee but it is not possible to remember quoted rates of all the items of works. As such the rates mentioned in the allotment are considered authentic and the same were applied during the framing of the bills. As such rates for the items No 6 & 17 were applied as mentioned in the allotments. Pertinent to mention here that computer generated sheet for the rates quoted by the contractor was not formed part of the allotment. Had the computer generated sheets for the quoted rates being made available this mistake of inflated rates had not been happened.

Therefore, the extra rates charged for items No 6 & 17 @ Rs 10/- and Rs 300/- per units which led to the state exchequer is not due to the wrong framing of the bills but due the wrong rates applied in the allotment issued vide No Agj/Tender/sheltershed/80-84 Dated: 15-01-2018 by then Deputy Conservator of Forest, Agrostology wing, Forest Department Jammu extra payment made has been recouped/recovered from the contractor.

CGI Sheets at both the locations were required to be fixed of make SAIL, TATA, TISCON, RASHTRIYA ISPAT or equivalent. Quality of CGI Sheet used for the construction of shelter sheds at Sinthan Top is partly of make Steel Authority of India Limited (SAIL) and partly is of BHUSHAN SHAKTI (BHUSHAN SHAKTI) is also confirming to IS Standard ISO9001:2008 & TS16949 (Quality management and ISO 14001:2004) which is equivalent to TATA, TISCON, SAIL etc. and as per requirement of terms and conditions of SBD. At Shaitani Nallah CGI sheets of SAIL make has been used. The Inquiry Officer personally visited the site for knowing the makes of the CGI Sheets used, however a committee of officers of Forest department, which was constituted by the request of the ACB by the Conservator of the Forest, Agrostology circle J&K Jammu vide No CFA/FST/Shelter shed/FNo. 29/842-49 Dated 22-03-2021 submitted in their report that CGI Sheets used at both the sites are of Bhushan Shakti brand steel is not based on facts. So far as thickness CGI steel sheets used is concerned at both the sites is of 0.63mm thick which has been verified. Thus no excess payment on account of lesser thickness of CGI Sheets used has been made to the contractor and there is no loss to the Govt Exchequer.

The total excess amount paid to the contractor of Rs 2,22,016/- out of which Rs 1,22,934/- is due the inflated rates is because of the wrongly rates mentioned in the allotment of items wrongly allotted stand recouped/ recovered and there is no financial loss to the Govt. Exchequer.

The loss worked out by the Engineering wing of the ACB amounting to Rs 99,082/- on the lesser thickness used of CGI sheets is not correct and based on facts. The thickness of CGI Sheets used is as per requirement and SBD i.e. 0.63mm and not 0.50mm. Geo Tagged photographs of both the sites of CGI Sheets used are taken during the cross check of the thickness of the sheets at site.

As such charges leveled against the officer/official in question on this account may be dropped keeping in view the works being executed in far off area and could not be attended.

  
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Whereas, the Inquiry Officer recommended that there is no loss to the State Exchequer in the instant case and as such the charges leveled against the Engineers may be dropped and be considered for acquittal honorably.

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 as under:-

"From the perusal of the pre paras, the report of the Inquiry Officer and the replies of the delinquent officers to the show cause notice, the allegations/charges leveled against the Engineers have not been substantiated. The allotment of the work was made by the Dy. Conservator forests where rates of item no. 6 & 17 were written inadvertently. The thickness of the sheets was found as per the allotment as reported by IO after checking at site. The rebate should have been deducted at the level of drawing and the account branch which finally stands recovered. The use of CGI sheets of Bhushan Shakti brand conforms to the equivalent specifications as provisioned in the allotment."

Whereas, the Development Commissioner Works (DCW) recommended to drop the charges against the delinquent Engineers with a warning to be vigilant in future.

Now, therefore, in light of the above and by upholding the recommendation of Development Commissioner (Works) and approval of competent authority, charges leveled against Er. Arit Gupta, AEE WLP/Forest Dogra Hall Complex, Jammu and Mr. Vikas Gupta JE, Forest Protection Force Jammu are dropped and RDA case is hereby closed with a warning to remain careful, vigilant and diligent in future while discharging duties.

**By order of the Government of Jammu and Kashmir.**

Sd/-

(Shailendra Kumar) IAS

Principal Secretary to the Government

No. PWD-HRM1/216/2022-05- R&B DEPARTMENT (C.No. 7057953) Dated: 13.07.2023

Copy to the:-

1. Commissioner/Secretary to the Government, General Administration Department.  
This is with the reference to his O.M No. GAD(Vig)08-RDA/2021 dated 18.02.2021.
2. Development Commissioner (Works), PW(R&B) Department.
3. Director, Anti Corruption Bureau, J&K.
4. Director Archives, Archaeology & Museum, J&K.
5. Chief Engineer, PW(R&B) Department, Jammu.
6. Private Secretary to Principal Secretary to Government, Public Works(R&B) Department.
7. Government Order file/Stock file.

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

(Dr Zeba Suleman) JKAS

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