



सत्यमेव जयते

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

Subject:- Initiation of Regular Departmental Action against 1) Fareed Ahmad Chowdhary, the then Superintending Engineer, MED Circle Srinagar, 2) Din Mohammed Bhat, then Executive Engineer Mechanical Division Srinagar and 3) Shafat Ahmad Jeelani, then Technical officer to Chief Engineer MED Kashmir. (Verification No. SLK-47/2011

Government order No. 291- PW(R&B) of 2023

Dated: - 14-07-2023

Whereas, the Anti Corruption Bureau forwarded a copy of communication No.ACB/E-152262/Veri-SLK-47/2011/18415-18SW-19 Dated:- 11/11/2022, alongwith allied documents viz. draft Article of Charges, Statement of Imputations and Gist of Evidence and recommended for initiation of RDA against the following Engineers:-

1. Fareed Ahmad Chowdhary, the then Superintending Engineer
2. Din Mohammed Bhat, the then Executive Engineer
3. Shafat Ahmad Jeelani, the then Technical officer

Whereas, the charges leveled were of Irregularity/violations of departmental procedure, wasteful expenditure in purchase of Dozers BD-80 (06 No.), Snow cutters/blowers 3000 Rolba (03 Nos), Irregularity in Procurement of Snow Plough (03 Nos), Irregularity in procurement of Scorpio Vehicle etc.

Whereas, instant case was received from Anti Corruption Bureau on 11-11-2022, and after perusal of the Articles of Charges and records of the department, it came to fore that one of the delinquent officer, Er. Din Mohammed Bhat, the then Executive Engineer have attained superannuation on 31-03-2021 respectively, therefore, the Engineer is beyond the purview of Article 168-A of JK CSR, Henceforth, the Department decided to serve the article of charges to Er. Fareed Ahmad Chowdhary, the then Superintending Engineer and Er. Shafat Ahmad Jeelani who are still in active service;

Whereas, Er. Fareed Ahmad Chowdhary, the then Superintending Engineer and Er. Shafat Ahmad Jeelani, the then Technical officer of Chief Engineer, MED Kashmir was charge sheeted through concerned Chief Engineer. The delinquent officers submitted their replies to the charges, same were examined by the department and it was decided to conduct an inquiry into the matter;

Whereas, Vide Government order No. 119-PW(R&B) of 2023 Dated. 23.03.2023, Er. P.C Tanoch, Development Commissioner Works, PW(R&B) Department and Er. Jahan Ara I/c Executive Engineer, Mechanical Division Srinagar PW(R&B) Department Kashmir were appointed as Inquiry Officer and Presenting Officer respectively to conduct an enquiry into the matter;

14-07-2023
[Handwritten signatures]

Whereas, the Inquiry Officer vide communication no. PW/EIC/DB/644/2023 dated. 31.05.2023, submitted report, which is reproduced verbatim as under:-

"Two No. bids were received in respect to the NIT CEMK/Tender/2009-10/7 Dt. 15.02.2010 for supply of BD-80 Dozers from 10 M/s Kranacx Pvt. Ltd Haryana Authorized dealers of M/s BEML a Public Sector Undertaking under Ministry of Defence, Govt. of India and M/S L&T New Delhi. While scrutitization of Technical bids, the contract committee under the Chairmanship of Chief Engineer MED Kashmir, the Engine makes short listed in the tender were Cummins/Kamatsu/Caterpillar whereas M/s Kranacx quoted for BEML Engine. The committee during deliberations and discussions sought the first hand report from the Xen concerned regarding performance of the BEML Engine and on the basis for satisfactory performance report, the departmental contract committee decided as follows:-

The firm M/s Kranacx has quoted for BEML Engine instead of Cummin's / Kamatsu/ Caterpillar Engine for BD-80 dozer which is an improved version. The Ms BEML being a Public Sector Undertaking, Govt. of India undertaking falling under Ministry of Defence who are pioneer in bull dozers and are supplying the same to BRO and Army as well. M/s BEML is a Govt. of India organization under Ministry of Defence and is internationally acclaimed manufactures of heavy earth moving equipment. They keep on improving their machines for better performance in the field. As such there seems no malafide or ill intention on the part of the departmental contract committee in declaring M/S Kranacx as technically qualified.

During course of Tendering the tentative quantity of 07 No Dozers was mentioned and conveyed to bidders by way of corrigendum. The order for supply of Dozers was issued and the turning radius mentioned was 3200 mm but supply was made for 3100 mm turning radius. This is basically the issue pertaining to the persons responsible for receipt of the equipment at Divisions. However lesser turning radius is always preferable.


The payments are released by the Executive Engineer concerned after observing all the codal provisions of the allotment / agreement including the penalty for delay. There is no role of the departmental purchase committee with regard to payments.

The reply in respect of Clutch System sought from the delinquent officers says that both manual as well as hydraulic system are proven designs and both have been allowed by departmental purchase committee as it does not effect the operation of the machine.

The BD 80 Dozer satisfied the condition of the NIT where as special feature of the L&T has been taken into consideration but the Dozer having no special feature beyond the ambit of the NIT cannot be rejected.

The general conditions as well the special conditions of the contract are kept in such a way that it does not become restrictive for maximum participation of bidders. The bid found as per the provisions of NIT cannot be rejected on the basis of some special feature provided by another bidder.

As per the NIT the bids must have been quoted as FOR Srinagar. M/S

 n.l

Kranacx Pvt. Ltd quoted FOR Srinagar where as the quote of M/S L&T was FOR Chennai port. The rate schedule provided by State Trading Corporation, GOI from Chennai to Srinagar has been worked out and was shown on the comparative statement uploaded to arrive at L-1 bid.

The EMD is sought from the bidders for penalizing them if they backout or do not perform as per the agreement. Now as the supplies have been completed and the EMD being security money has to be released to the L-1 Bidder on completion of job and on the same day to the un-successful bidders as such there is no financial irregularity/ loss by keeping less value of EMD.

M/s BEML is Govt of India undertaking working under Ministry of Defence and M/s Kranacx Haryana is the authorized dealer for BEML and were declared responsive on this account.

The Department Purchase committee had mandate of only procurement of the machinery for Mughal Road Organization. A delay in construction of Mughal Road and due to which the machines could not be put to use cannot be attributed to a lapse on the part of DPC. There is no role of the DPC after procurement of the machines.

From the records/ documents it is found that the funding had been erratic because of which tender for one unit was invited. However the quotes had been obtained from original manufacturer already on the negotiated rates. No further negotiation was required.

The State Trading Corporation being a Govt. of India Organization transferred money for onward payments to the bidder as per norms to facilitate the delivery of equipment. The conditions are generally relaxed when the lesser no of manufacturers are available. The lesser value of EMD has been kept for attracting more participation in the bidding process.

The departmental purchase committee is not mandated to make payments and effect penalties. This has to be done by the officer making the payment, as such there is no role of the DPC.

There is role of the department purchase committee in case of not utilizing the machinery and keeping it stored in Division store for 04 years.

The Department Purchase Committee (DPC) had the mandate of procuring the machines. There is no role of Department Purchase Committee (DPC) in stranding of machines in store for a long time.

There is no role of Department Purchase Committee (DPC) in the issue as there was a delay in construction of Mughal road and as such the machines could not be utilized in time.

During deliberations with Mughal Road Organization, a revised DPR was framed. There is no role of Technical Officer to CE MED Kashmir for purchase of 03 ploughs instead of two.

The purchase committee has no role after procurement of the vehicle.

The revised DPR was framed. The vehicle was for inspection and supervision of snow clearance work on Mughal road. There was no role of Technical Officer to Chief Engineer in this issue."






14-07-2024

Whereas, the Inquiry Officer recommended that the role of the purchase Committee and the decision taken by the DPC were examined in light of the records presented and nothing sort of malafide intention has been observed, the decisions were taken by the committee in line with the mandate and the charges leveled are not substantiated and hence may be dropped;

Moreover the then Technical Officer to Chief Engineer MED Kashmir Er. Shafat Ahamed Jeelani had his role only to the extent of assisting the Chief Engineer and also he was not even the member of the department purchase committee to be absolved of the charges and the RDA against him may be closed.

Now, therefore, in light of the above and by upholding the recommendation of Inquiry report and approval of Competent authority, charges leveled against Er. Fareed Ahmad Chowdhary, the then Superintending Engineer and Er. Shafat Ahmad Jeelani, the then Technical Officer of Chief Engineer, MED Kashmir are dropped and case is hereby closed with a strict warning to remain cautious in future.

Similarly, the case of delinquent officer, Er. Din Mohammed Bhat, 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/-

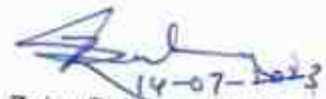
(Shailendra Kumar) IAS
Principal Secretary to the Government

No. PWD-HRMI/232/2022-05- R&B DEPARTMENT (C.No. 7074344) Dated 14/07/2023

Copy to the:-

1. Commissioner/Secretary to the Government, General Administration Department.
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, MED Jammu/Kashmir.
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.


14-07-2023

(Dr. Zeba Suleman) JKAS
Under Secretary to the Government



