



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

Subject: Initiation of RDA against 1. Er. Naim Ahmad Bakshi, the then I/C Executive Engineer, Sports Council, Construction Division Kashmir, 2. Er. Maqsood Shafi Basu, the then Assistant Executive Engineer, Sports Council Construction Division Kashmir and 3. Er. Nisar Ahmad Rather the then JE Sports Council now, JE Police Housing Corporation Bemina Srinagar.

Government Order No. 293 - PW(R&B) of 2022

Dated: 26 .08.2022

Whereas, the Youth Services and Sports Department vide O.M.No. YSS/SC/111/2021-02 YSS dated 11.03.2022, forwarded the O.M.No.GAD- VIGORDA/143/2021-02-GAD dated 25.11.2021 of General Administration Department alongwith a copy of ACB-jSC-SLK-2 1/2020/19823-25 dated 10.09.2021 and other relevant papers for initiation of RDA against the following Engineers:

1. Er. Naim Ahmad Bakshi, the then 1/c Executive Engineer, Sports Council, Construction Division Kashmir.
2. Er. Maqsood Shafi Basu, the then Assistant Executive Engineer, Sports Council Construction Division Kashmir.
3. Er. Nisar Ahmad Rather the then JE Sports Council now, JE Police Housing Corporation Bemina Srinagar.

Whereas, General Administration Department vide ibid O.M. dated 25.11.2021 recommended to the Youth services and Sports Department for initiation of RDA, against the above named Engineers of Construction Division, Sports Council Kashmir, as recommended by J&K ACB, for undertaking renovation/remodeling of existing damaged hut at Polo view Ground Srinagar without tendering and following codal procedures, as per the mandate of J&K Civil Services (Classification Control & Appeal) Rules, 1956.

Whereas, charges were that:

1. The work tendered under Phase-I was administratively approved (post facto) by Secretary Sports Council vide No.328 of 2015 dated 23.09.2015, for an amount of Rs. 29.67 lakh while allotment order dated: 17.08.2015, in reference to NIT No.07 dated: 14.07.2015. The work has not been finalized even after a gap of 05 years and only 6775 cum allowed to be billed against 7012 cum without any recorded justification. The department has released an amount of Rs. 28,25,275/- to Mohd Amin Bachoo the complainant for execution of work phase-I and Rs. 55,17,722 to Syed Abdul Qayoom Andrabi

for execution of works phase-II and renovation/Remodeling of the Existing Damaged Hut.

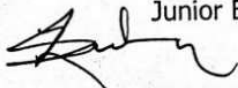
2. Work under Phase-I tendered and executed as per allotment but unnecessary limiting of quantities against allotted quantities was done without any justification as recorded on Measurement Book.
3. Work under Phase-II was tendered and executed as per allotment. However, renovation/remodeling was taken up in violation of codal procedures without following any transparent and competitive process.

Whereas, vide communication No. PWD-HRM1/69/2022-05-PWD R&B Department (C.No.155284) dated:30.03.2022, article of charges were served upon the delinquent Engineers through Chief Engineer, PW(R&B) Department Kashmir with the direction to furnish reply to the article of charges. The accused engineers submitted reply to the same.

Whereas, the case was examined in the department and vide Government Order No. 167-PW(R&B) of 2022 dated: 13.05.2022, Er. Sajad Naqeeb, /c Superintending Engineer, PW(R&B) Circle Ganderbal-Bandipora and Er. Fayaz Ahmad Mir, V Executive Engineer Sports Council Srinagar were appointed as Inquiry Officer and Presenting Officer respectively to enquire into the allegations levelled against th subject.

Whereas, the Inquiry Officer vide communication No. SE/Gbl-Bpr/2338-39 dated 22.06.2022 reported that the work namely "Renovation/ remodeling of damaged change room (Hut) at TRC ground adjacent artificial turf football ground Srinagar Part-B was executed on extension over existing allotment of Earth Work at TRC ground adjacent to Astro turf football ground. As per the records produced, the extension of work was carried out as per the Constitution of J&K Sports Council Rule No. 19 under the head of "Powers & Functions of Office Bearers" sub head "C" Clause (iv) which was further confirmed and approved by the Hon'ble Sports Minister vide his letter No.PS/HM/IT/TEYSS/475 dated 13-03 -2018 . Therefore, the work was not executed by the charge sheeted officers by themselves as they weren't competent authority but on the approval of Secretary Sports Council and confirmed by the then Minister of Sports.The authority of granting Administrative Approval was not within the competence of Executive Engineer, Assistant Executive Engineer or Junior Engineer. In this case the powers of granting of Administrative Approval is within the competence of Secretary J&K Sports Council as per the Constitution of J&K Sports Council Rule No. 19 under the head of "Powers & Functions of Office Bearers" sub head "C" Clause (iv) Page No. 23-24 which were futher confirmed and approved by the Hon'ble Sports Minister vide his letter No.PS / HM/ IT/ TE/ YSS/ 475 dated 13-03-2018. Regarding this the technical officer to Secretary Sports Council clarified in his letter No.SC/VWorks/633 dt.11/02/ 2021, to the ACB that the work stands approved and subsequent funds stands released by government. In the matter of allegation that eXcess payment was made to the contractor, the Executive Engineer Construction Division J&K Sports Councilin his letter No.SC/CDK/26/3516 dated: 29-01-2021, to the Enquiry Officer ACB made it amply clear that the payments made against the work of Restoration/ Remodeling of Change Room (Hut) is well Within the approved cost of Rs. 35.212 lacs. The details regarding the payments made to the contractor on account of this work were again sought from the present Executive Engineer J&K Sports Council who vide his letter No. SC/CDK 184/ 1137 vide dated 13-06-2022 who reiterated the same. As such no extra payments were made to the contractor.

The allegation against Nissar Ahmad Rather, Junior Engineer, was that he demanded Rs. 4.00 lacs from the complainant. The ACB in its statement of Imputation clearly mentioned that the complainant on examination could not produce any evidence to establish that the concerned Junior Engineer demanded Rs. 4.00 lacs from him.



Whereas, the report was examined in the department and then referred to Development Commissioner (Works) for comments. The Development Commissioner observed that:-
" at the time of spot inspection by ACB, measurements were found matching and the paid rates were reasonable no loss to state exchequer was reported. The works were executed by the same agency in view of urgency expressed by Director Cricket academy and confirmation of the same was given by the then Hon'ble Sports Minister. Secretary Sports Council ordered for starting the work and later on referring the case was within ambit of his powers as laid in the constitution of sports council rules" and recommended that the charges leveled against the subject may be dropped and case be closed".

Now, therefore, in view of the above and upholding the recommendation of I.O and Development Commissioner (Works), with the approval of the competent authority the allegations leveled against (1) Er. Naim Ahmad Bakshi, I/c Executive Engineer, Sports Council, Construction Division Kashmir, (2) Er. Maqsood Shafi Basu, AEE, Sports Council, Construction Division Kashmir and (3) Er. Nissar Ahmad Rather, the then JE Sports Council, Now JE PHC Bemina Srinagar are dropped and case is hereby closed.

However, the Executive Engineer all others are directed to strictly comply by the rules and procedure in future without any deviation

By order of the Government of Jammu and Kashmir

Sd/-

(Shailendra Kumar)IAS

Principal Secretary to the Government

No. PWD-HRM1/69/2022-05 -PWD R&B DEPARTMENT (C.No.155284) dated 26.08.2022

Copy to the:-

- (1) Secretary to the Government, Youth, Services and Sports Department. This is with the reference to his O.M.No.YSS/SC/111/2021-02-YSS dated 11.03.2022.
- (2) Secretary to the Government, General Administration Department. This is with the reference to his O.M No. GAD-VIGORDA/143/2021-02-GAD dated 25.11.2021.
- (3) Development Commissioner (Works), PW(R&B) Department.
- (4) Director, Anti Corruption Bureau, J&K, Jammu.
- (5) Director Archives, Archaeology & Museum, J&K Jammu.
- (6) Chief Engineer, Public Works(R&B) Department, Jammu/Kashmir.
- (7) OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
- (8) Concerned Engineer.
- (9) Private Secretary to Principal Secretary to the Government, Public Works (R&B) Department.
- (10) I/c Website.
- (11) 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