



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

Subject:- Initiation of RDA against Sh.Mohan Lal Kundan, the then Executive Engineer, In PW(R&B) Department Spl. Sub Division Marwah, (Veri. No.UD- 13/2018).

Reference: No. ACB/E-50121/Veri-UD-13/2018/16446-49 dated 19.09.2022 from ACB.

**Government Order No. 473 -PW(R&B) of 2022**  
**Dated: 26 -12. 2022**

Sanction is hereby accorded to the appointment of Er. Ram Pal Gupta, I/c Superintendent Engineer, R&B Circle Doda-Kishtwar-Ramban as Inquiry Officer to enquire into the allegations levelled against the subject.

Er. Mohd Aslam, I/c Executive Engineer, Spl. Sub Division Marwah PW(R&B) Department shall be the Presenting officer.

The Inquiry Officer shall submit his report/findings to the Administrative Department along with recommendation within 21 days 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 & Kashmir.

Sd/-

(Shailendra Kumar) IAS

Principal Secretary to the Government  
Public Works Department

Dated: 26 .12.2022

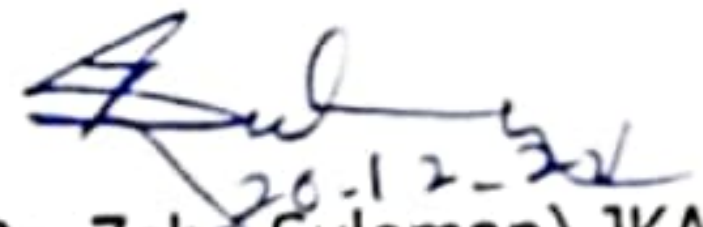
Encls: 03 Pages

No. PWD- HRM1/217/2022-05-Department (C.No.7058674)

Copy to the:-

1. Secretary to the Government, General Administration Department.
2. Director Anti Corruption Bureau, J&K.
3. Er. Ram Pal Gupta, I/c Superintending Engineer, R&B Circle Doda-Kishtwar- Ramban. 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. Mohd Aslam, I/c Executive Engineer, Spl. Sub Division Marwah PW(R&B) Department. 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 Suleman) JKAS

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



## Draft Article of Charges

Annexure-I

Whereas, you (Er. Mohan Lal Kundan), then Executive Engineer in PW (R&B) Department Spl. Sub Division Marwah posted during the year 2017-18 are hereby served the following article of charges upon you :

You as Executive Engineer in PWD (R&B) Subdivision Marwah during the year 2017-2018 ,without adopting due course of norms executed work in respect of clearance of snow from Margan to Inshan, Inshan to Marwah, Inshan to Basmina and Inshan to Margi (Inshan to Mungli) etc works.

a. that tender/e-tendering for the year 2017-18 were not floated by you in respect of works of clearance of snow from Margan to Inshan, Inshan to Marwah, Inshan to Basmina and Inshan to Margi (Inshan to Mungli) etc.

b. That you have not submitted the damage report to the higher authorities for the concerned period before execution of work.

Whereas, being in the capacity of the Executive engineer posted the and being a public servant you have failed to maintain absolute integrity and honesty in the discharge of your official duties, you should have put these above mentioned works to e-tender but you got those works executed departmentally.

Whereas, you being in the capacity of the Executive Engineer ignored the codal formalities to be followed while allotment of the said works and have failed to maintained absolute honesty and integrity in discharge of your official duty.

Whereas, you being the public servant for which you are liable for department action has contemplated under rule 33 of J&K Civil Services (CCA Rules 1956).

No, therefore you are hereby called upon to tender your reply /written statement viz-a—viz aforementioned article of charges within a period of 21 days days failing which further proceedings shall follow.



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

Er. Mohan Lal Kundan  
The then Executive Engineer  
Spl Sub Division Marwah





सत्यमेव जयते

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

Computer No:7057953 No.PWD-HRM1/216/2022-05-PWD R&B DEPARTMENT  
Dated: .11.2022

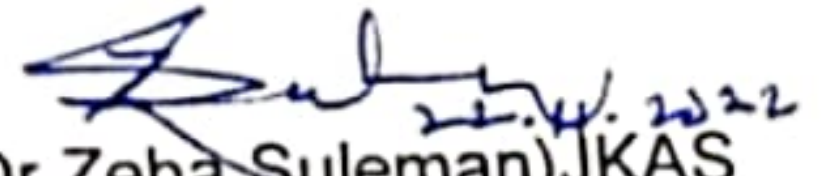
Memorandum

The Government proposes to hold an enquiry against you, the then I/c Executive Engineer in PWD (R&B) Spl. Sub Division (PIU) Marwah. 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. A statement of imputations in support of these charges is also enclosed as Annexure-II.

You , the then Executive Engineer in PWD (R&B) Spl. Sub Division (PIU) Marwah required to submit your reply within 21days from the date of issuance of this memorandum, a written statement of defense 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 defense 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

Er. Mohan Lal Kundan  
the then Executive Engineer,  
PW(R&B) Spl. Sub Division Marwah.



Statement of imputation of misconduct in support of the draft article of charges framed in Verification No.13/2018 against Shri Mohan Lal Kundan then Executive Engineer in PWD(R&B) Spl. Sub Division (PIU) Marwah.

An open verification was initiated on the basis of two written complaints lodged by Sh.Javed Iqbal Ahanger, Contractor (Civil) S/O Ghulam Ahmed R/O Astan Bala Kishtwar against Officers/Officials of PWD (R&B) Special Sub Division (PMGSY, JKRDDA Division, Marwah, which were clubbed being of same nature. It was alleged that the PWD (R&B) Special Sub Division (PMGSY, JKRDDA Division, Marwah department in utter violation of contract laws has executed snow clearance works for the year 2017-18 on exorbitant rates to cause extensive financial loss to the state exchequer and without inviting tender/e-tender and made allotment of the said work to some influential contractors.

After probe into the matter following facts have been emerged :-

- a. That Superintending Engineer PMGSY Circle Batote has released funds to Executive Engineer PMGSY Division Marwah to the tune of Rs. 54.23 Lacs for the works of the snow clearance from Margan to Inshan, Inshan to Marwah, Inshan to Basmina and Inshan to Margi(Inshan to Mungli) etc works but no NIT has been published in respect of the above said works
- b. That Executive Engineer in PWD(R&B) Spl. Sub Division (PIU) Marwah during the year 2017-18, executed work in respect of clearance of snow from Margan to Inshan, Inshan to Marwah, Inshan to Basmina and Inshan to Margi(Inshan to Mungli) etc. executed work without floating tenders/etenders.
- c. No damage report was submitted by the then Executive Engineer PWD(R&B) Spl. Sub Division (PIU) Marwah to the higher authorities for the concerned period before the execution of work.

Keeping in view the above facts, that being public servants, he failed to maintain absolute integrity and honesty in the discharge of his official duties which tantamount to unbecoming of a public servant for which he is liable for departmental action as envisaged under Rule 33 of J&K Civil services (CCA). For this act of Shri Mohan Lal Kundan then Executive Engineer in PWD(R&B) Spl. Sub Division (PIU) Marwah a Regular Departmental Action is required to be initiated against him.