



सरकार जम्मू

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

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. Aijaj Ahmad Wani the then Deputy General Manager, Housing Unit No. II Srinagar.

Government Order No:- 504 PW(R&B) of 2023  
Dated:- 11 -12-2023

Whereas, the Housing & Urban Development Department forwarded a copy of communication O.M No. HUD/22/2023 C No. 7180139 Dated: 16.05.2023, forwarded a copy, alongwith allied documents viz. draft Article of charges, Statement of Imputations and Gist of Evidences received from Anti Corruption Bureau and recommended initiation of RDA against the following engineers:-

1. Er. Bashir Ahmad Mir, the then Deputy General manager, Housing Unit No. II Srinagar.
2. Er. Aijaj Ahmad Wani the Deputy General Manager, Housing Unit No. II Srinagar.

Housing & Urban Development Department had constituted an Inquiry Committee on 19-04-2022 based on the report of an Inquiry Committee the Housing and Urban Development department vide OM dated 16-05-2023 has intimated this dept that during deputation to JK housing board two engineers of this dept namely 1. Sh. Bashir Ahmad Mir the then Deputy General Manager, Housing Unit No. II Srinagar and 2. Sh. Aijaj Ahmad Wani the then General Manager, Housing Unit No. II Srinagar had diverted the funds deliberately without approval from competent authority during their posting in Housing Board. There was gross violation of financial norms and regulations which resulted in delay and stoppage of work on certain projects thereupon.

Whereas, the instant case was examined in the department and subsequently, vide communication No. dated: 07-06-2023, Article of charges were served to accused Engineers through Chief Engineer, PW(R&B) Kashmir.

Whereas, the delinquent Engineer submitted his reply to the article of charges, the same were examined in the department and was found to be unsatisfactory.

Whereas, vide Government Order No 281-PW(R&B) of 2023 dated 06.07.2023, Er. Sajjad Naqeeb, I/c Superintending Engineer, PW(R&B) Circle Srinagar/Budgam, as Inquiry Officer and Er. Farooq Ahmad Khan, I/c XEN, Landscape Division Srinagar, as Presenting Officer were appointed as Inquiry Officer and Presenting Officer respectively in the matter.

M-I

Whereas, vide communication No. SE/PS/1358/ Dated 03-11-2023 the Inquiry Officer reported that -

Whereas, the observations made from the document submitted by the deputy general Manager, Housing Unit-II Srinagar Er. Javid Iqbal vide his letter no. HU-II/Sgr./916 Dated. 04-08-2023 Wherein he communicated that the charged officer E. Bashir Ahmad Mir, the then DGM Housing Unit-II Srinagar has not made any payment during his tenure for the projects Viz (I) SDH Banihal (II) SDH Rohama (III) PHC Haman Markoot Baramulla and (IV) Syed janbaz Wali Community Centre Baramulla.

Whereas, the per the replies submitted by the delinquent officer Er. Bashir Ahmad Mir reflects that he was transferred from DIQC Kashmir to JK Housing Board vide Govt. Order No. 214 PW (R&B) 2022 Dt. 30-06-2022 and he joined in the Housing Unit-II Srinagar on 01-07-2022 and served as DGM there upto 05-12-2022 and the officer joined in SMC on 05-12-2022 and has served in HUDD for for months only and has not made any payments.

Where as, on the other hand, as per the article of charges the delinquent officer served in housing unit-II Srinagar from April 2020 to Dec. 2022 which contradicts with the records Govt. orders provided by the delinquent officer.

Whereas, the Committee constituted by JKHB vide order no. 15 of 2023 and Order No. 29 of 2023 dated 03-03-2023 for the purpose of ascertaining the financial irregularities in respect of diversion of funds, submitted its report wherein the delinquent officer Er. Bashir Ahmad Mir, then DGM Housing Unit-II Srinagar has been enlisted among the officers who have diverted the funds of various projects but it is mentioned in the report that the report has been framed on the basis of the information provided by the Deputy General Manager, Housing Unit-II Srinagar vide letter No. HU-II/Sgr/2844-45 dated 17-02-2023 wherein the same office has informed that the funds to the tune of Rs.2260.914 Lacs have been diverted from various projects to other projects for which the action already stands initiated by the Head office against the officer(s) responsible for the same.

Whereas, the office of the DGM Housing Unit-II Sgr. has issued the certificate vide No. HU-II/SGR/528 dt. 06-06-2023 and letter vide stating that the delinquent officer Er. Bashir Ahmad Mir has not made any payment during his tenure as DGM in Housing Unit-II Sgr. for the projects depicted in Article of charges thereby contradicting the allegations levelled against the delinquent officer in the findings of the Committee headed by the Director Finance, JKHB vide Order No. 15 of 2023 dt. 06-02-2023 and Order No. 29 of 2023 dt. 03-03-2023.

11/06/23  
12-11-23  
In light of the above specific facts and findings, it is established that the charges levelled against the delinquent officer Er. Bashir Ahmad Mir, then DGM Housing Unit-II Sgr. have no ground to be proved. Consequently, the Inquiry Officer recommended dropping of charges and closing the case against the delinquent officer.



Whereas, the case was examined in the department and was referred to Engineer in Chief (DCW) for his comments in the matter, who returned the file with the following comments:-

In view of the report submitted by the enquiry officer supported with the documentary evidence, it is observed that the delinquent Officer has not made any payments during his tenure (01-07-2022 to 05-12-2022) at JKHB for the said works. Therefore the charges for diversion of funds against the officer cannot be substantiated. It is therefore recommended that the charges may be dropped

Now, therefore, in light of the above and by upholding the recommendation of Inquiry Officer and Engineer in Chief, with the prior approval of the Competent Authority the allegations leveled against Er. Bashir Ahmad Mir the then Executive Engineer (Deputy General Manager, Housing Unit No. II Srinagar) are dropped and case is hereby closed as not proved.

The case of other delinquent officer, Er. Aijaj Ahmad Wani the Deputy General Manager, Housing Unit No. II Srinagar also closed in terms of Article 168-A of J&K CSR as the officer has superannuated from government services on 31-10-2020 whereas the RDA was initiated on 07-06-2023 with the issuance of Article of charges on the basis of communication received from HUDD vide letter dated 16-05-2023 which is beyond the period of limits prescribed under rule (within one year after superannuation)

By order of the Government of Jammu and Kashmir:-

Sd/-  
(Shailendra Kumar) IAS  
Principal Secretary to the Government

No PWD-HRM1/65/2023-05-PWD R&B DEPARTMENT

Dated: 11.12.2023

Copy to the:-

1. Commissioner/Secretary to the Government, General Administration Department.
2. Engineer in Chief PW(R&B) Deptt.
3. Director, Anti Corruption Bureau, J&K.
4. Director Archives, Archaeology & Museum, J&K.
5. Chief Engineer, PW(R&B) Department, Jammu.
6. Chief Engineer PMGSY Jammu
7. Private Secretary to Principal Secretary to Government, Public Works(R&B) Department.
8. Government Order file/stock file.
9. Concerned Engineers.

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

  
(Dr. Zeba Suleman), IAS  
Under Secretary to the Government

