



वसुधैव कुटुम्बकम्

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

Subject:- Initiation of RDA against Er. Balbir Singh the then Executive Engineer .PW(R&B) Construction Division-III Jammu, Er. Suneel Dutt Modeel. the then Assistant Executive Engineer, PW(R&B) Construction Division-III Jammu and Er.Swarn Singh. Assistant Engineer PW(R&B) Construction Division-III Jammu sub-division Akhnoor-I (JSC-JSK-18/2020),

Government Order No:- 516 PW(R&B) of 2023  
Dated:- 19 -12-2023

The Anti Corruption Bureau J&K vide communication No.ACB-JSC-JSK-18/2020-13621-23 dated 12.07.2021 had forwarded the Article of charges, Statement of Imputation and Gist of evidence against the following Engineers for initiation of RDA:-

1. Er.Balbir Singh, the then Executive Engineer, PW(R&B) Construction Division-III Jammu.
2. Er.Suneel Dut Modeel, the then Assistant Executive Engineer, PW(R&B) Construction Division-III Jammu.
3. Er.Swarn Singh, Assistant Engineer, PW(R&B) Construction Div.III, Jammu, Sub-Division Akhnoor-I

The Anti Corruption Bureau J&K Jammu vide communication No.ACB-JSC-JSK-18/2020-13621-23 dated 19.03.2021 addressed to the General Administration Department under intimation to this Department has intimated that JSC was conducted upon a source report that Macadamization of different roads was being carried out at Jammu by the Department of PWD (R&B) in gross violation to the prescribed norms.

The details of these works are as under:-

1. Macadamization carried out by PWD(R&B) Division 1st on Muralian Road near Irrigation Guest House, Miran Sahib.
2. Macadamization carried out by PWD (R&B) Division 3rd on link road from Sohal Bus Stand at Badgal Akhnoor.
3. Macadamization carried out by PWD (R&B) Division, 2nd at Nagrota Jammu. SSS Plant Holder, Jandhiyal.

Whereas, the instant case was examined in the department and subsequently, vide communication No.PWD-RDA/47/2021-05 dated: 23-09-2021, Article of charges were served to accused Engineers through Chief Engineer, PW(R&B) Jammu.

Whereas, the delinquent Engineer submitted their reply to the article of charges, the same were examined in the department and was found to be unsatisfactory and department decided to appoint an enquiry officer who shall conduct thorough enquiry in the matter.

Whereas, vide Government Order No.359-PW(R&B) of 2021 dated 02.12.2021, Er.Kulddep Singh Nathyal I/c Superintending Engineer,PW(R&B) Circle Kathua and Er.Kewal Krishan Attri, Construction Division-I, Jammu were appointed as Inquiry Officer and Presenting Officer respectively.

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19/12/2023

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Whereas, vide communication No. SEJ/Adm/2021-22/15960-61 Dated.02-12.2022, the Inquiry Officer reported that:-

"During the perusal of the record and reply furnished by the Executive Engineer made available reveal that tender was floated for the laying of BT on Sohal to Badgal road after Accord of Administrative Approval and consequently work was allotted vide allotment No. 8444-50 Dated 10-11-2020 and Technical Sanction was not accorded before the allotment as mentioned by the Executive Engineer, Er. Balbir Singh in his reply to the imputation of charges that it was the past practice that Technical Sanction was accorded at any time during the execution of the work but before releasing the payments and guidelines for the same has been issued by the Superintending Engineer, PW(R&B) Jammu-Kathua Circle, Jammu vide No. SEJ/Adm./3621-27 Dated 11-08-2020 that is after invitation of the tender. Executive Engineer has to accord the Technical Sanction within his competency as per SO-15 which he accorded on 7th of December, 2020 i.e. during the execution of the work in view the past practice and the charges labeled against him regarding non accordance of Technical Sanction by him seems to be correct but not to the extent that he has failed to maintain absolute honesty and integrity in discharging his official duties on the pretext that payment for the work under scrutiny has not been made.

Further, after perusal of the reply to the charges against the Executive Engineer regarding the collection of the samples for the Bitumen contents, care has to taken while taking the samples from the site of work so that samples may not disturb, taken by the core cuttings instead of taking manually by using Hammers and Chisels due to which there is every apprehension that results may vary. For the same work samples have been taken by core cutting without disturbing the surface and after going through the test report, it is found that for testing the Bitumen contents from the recognized Government Laboratory Nagrota and found that Bitumen contents are within the permissible and desired limits. The Article of Charges that specification has not been taken care of seems to unrealistic.

Further, as submitted by the Assistant Executive Engineer, Er.Suneel Dutt Modeel that the Assistant Engineer could not reach at site of Hot Mix Plant as per alternative arrangement, the samples of the material of Bituminous Concrete being laid on the stretch of the road were collected and sent to PW(R&B) Department Materiel Testing Laboratory at Nagrota, Jammu which is more than the requisite 5 %.

Whereas, Er. Swarn Singh Assistant Engineer (Technical Officer) to Assistant Executive Engineer, Sub-Division Akhnoor-1st was supposed to perform his duty at the site of Hot Mix Plant to conduct the test of aggregate and percentage of bitumen and prescribed temperature as per the general order of the Superintending Engineer vide his office letter No. 1468-76 dated. 27.05.2017, Assistant Executive Engineer, Akhnoor have also issued on Order directing Assistant Engineer (Technical Officer) of the Sub Division to attend duty at plant site vide his office letter no. 106-107 Dated 30.10.2020 But Assistant Engineer, Er. Swarn Singh has informed that he was on the other Hot Mix Plant site, as on the same day the work on two sites was going on Assistant Executive Engineer and Assistant Engineer should have consulted before hand and they should have deputed some other junior Engineer to the plant site. As it is fact that one person can only perform the duty at one site at the same time. Further Er. Swarn Singh Assistant Engineer has also submitted that he has not received the letter issued by the AEE with regard to the performing of duties at the

  
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site in question. Er. Swarn Singh has also submitted a letter signed by the plant Holder that he was present there on the other site.

Whereas, on intimation that the Assistant Engineer could not attend the Hot Mix Plant and as an alternative arrangement the samples of the material of Bituminous concrete being laid on the stretch of the road were collected and set to PWD (R&B) Department Laboratory at Nagrota for conducting the requisite tests. The report issued by them Lab vide No. MTL/R/449 Dated. 15.12.2020 is enclosed herewith more than the requisite 5% and is satisfactory as per permissible parameters. It is also pertinent to mention that PWD (R&B) Department Lab at Nagrota is the only lab being headed by Superintending Engineer, PWD(R&B) Jammu-Kathua Circle, Jammu and is equipped with all the infrastructure and test of the most of the works are conducted in this lab.

He has also reported that , after going through the record, it has been observed that standing instructions have been issued by the senior officer especially for this type of execution of work to maintain the quality and workmanship of the work by visiting the Hot Mix Plan site and are also mentioned in the allotments issued to the contractor. Therefore, it has been observed that quality and specifications of the uncompleted work have been followed and found proper as per the norms and requirements at site. Thus the Article of Charges that the Executive Engineer has failed to exercise the supervision in directing the Assistant Executive Engineer and Assistant Engineer seems not be realistic and no lapse in consummate with the record available (Instructions in the allotment to get work execute) and time to time circulars issued by the higher authorities for the execution of the works of such nature.

Finally, he has reported that , on the basis of records made available, the imputation of the Articles of Charges labeled against the Executive Engineer, Assistant Executive Engineer and AE seems not to be realistic and no lapse has been observed with respect to the documents placed on records and there is no loss to exchequer evident that charge/guilt of the officers is beyond proof thus proposed to be dropped."

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

From the perusal of foregoing note paras and the report of the inquiry officer it has been observed that the samples taken by the ACB were got tested and found that two samples out of three were below the specified range where as the one of the samples got tested by ACB and the sample tested from the Govt laboratory Nagrota have been found above the desired range i.e. 5.2% & 5.6% respectively. The inquiry officer in his report has also mentioned that the samples taken during JSC were taken from the site by using hammer and chisel which should have been taken using core cutter so that the wet mix and the other materials underneath do not become part of the sample. The sample taken using core cutter is found within the prescribed limits.

The work for instant road was allotted by the Executive Engineer after accord of AA and the TS which was well within the competence of the Executive Engineer was accorded post facto.

The inquiry officer has observed no lapse and no loss to the state exchequer as per the record and found the charges leveled against the delinquent officers as unsubstantiated.

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Keeping in view the report and recommendations of the inquiry officer, the charges against the delinquent Engineers be dropped with a warning to be vigilant in future in observing the codal provisions before taking up the works for execution .

Whereas, Sh Balbir Singh, the then Executive Engineer, Construction Division-III Jammu and Shri Suneel Dutt Modeel, the then Assistant Executive Engineer, Construction Division-III Jammu have retired from active service and Shri Swarn Singh, the then Assistant Engineer Construction Division-III Jammu is still in service.

Whereas, in view of the above facts and circumstances, the case has further been examined in the Department and it has been decided by the Competent Authority that (1) to express displeasure of the department in respect of Sh.Balbir Singh ,the then Executive Engineer Construction Division-II and Sh. Suneel Dutt Modeel, the then Assistant Executive Engineer, PW(R&B) Construction Division-III Jammu as both of them have retired, (2) A penalty "Censure" be imposed in against Sh. Swarn Singh, the then Assistant Engineer Construction Division-III Jammu in terms of rule 30 of J&K, CCA Rules, 1956 for his negligence and lack of supervision.

Now, therefore, Shri Swarn Singh, the then Assistant Engineer Construction Division-III Jammu. is hereby censured, in terms of rule 30 of the Jammu Kashmir Civil Services (Classification, Control and Appeal rules) ,1956, and warned to remain careful in future.

Sh.Balbir Singh, the then Executive Engineer Construction Division- II and Sh. Suneel Dutt Modeel, the then Assistant Executive Engineer, PW(R&B) Construction Division-III Jammu are hereby conveyed displeasure as both of them have retired from active services in terms of J&K, Classification Control and Appeal Rules, 1956.

By order of the Government of Jammu and Kashmir.


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

No PWD-RDA/47/2021-05-Department of PWD R&B

Dated. 19.12.2023

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.

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

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