



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

Subject: Administrative inspection in respect of office of the Executive Engineer (R&B) Division Budgam- Initiation of RDA against Er. Asgar Ali Watali, the then Executive engineer, (R&B) Division Budgam.

Government order No: 51 PW(R&B) of 2023
Dated: 2 .02.2023

Where as, the Superintending Engineer, PW(R&B) Department, Circle Srinagar-Budgam conducted Administrative Inspection of PW(R&B) Division, Budgam on 24.05.2021 and 25.05.2021. The said division during the period was headed by Er. Asgar Ali Watali, the then Executive Engineer, PW(R&B) Division, Budgam.

The report submitted by Superintending Engineer, PW(R&B) Department, Circle Srinagar-Budgam, Inspecting officer, has pointed discrepancies in maintenance of records and execution of works. The said report was examined by the Administrative department and subsequently it was decided by the competent authority to initiate RDA against Er. Asgar Ali Watali the then Executive Engineer, PW(R&B) Division, Budgam and Articles of charges was served to Er. Asgar Ali Watali vide letter No. HRM/102/20121-01 on 11-10-2021.

The charges leveled were as under:

- Non maintenance of Acquaintance Roll, T.A Acquaintance Roll, Medical reimbursement register, Periodic Increment Register work charge Daily wage, casual labour register, service books of each employee, movement register, Irregularities in the attendance sheet of subordinated Divisions.
- Use of huge quantity of fuel (4548) litres of fuel for the fiscal year using private vehicles.
- Property returns and APRs were not obtained from the employees of the entire division.
- Discrepancies were observed during execution of works under different schemes under NABARD/CRF and discrepancies, Diversion of funds while as re appropriation /diversion of funds is not permissible except under proper sanction of authority.
- Allotment of works on single tender basis by violating all codal formalities(1437).
- Allotment of tender to L-2 instead of L-1
- Issuance of pipes to JE without obtaining any sanction.
- Making payment of Rs. 3 lakhs to SICOP but not recording GR number on the bill and nor the test result was taken before making payment.
- Tenders allotted in excess of advertised cost.

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j. Manual addition/deletion of items and enhancement of quantities Non obtaining of Utilization certificate from the concerned.

Whereas, Er. Asgar Ali Watali, the then I/C Executive Engineer furnished his reply on 02-12-2021 and vehemently denied all charges leveled against him.

Whereas, vide Government Order No.366-PW(R&B) of 2021 dated 17.12.2021, Er. Sajjad Ahmad Naqib, I/c Superintending Engineer, PW(R&B) Circle Ganderbal and Er. Mohammad Ashraf Bhat, I/c Executive Engineer, PW(R&B) Division Budgam were appointed as Inquiry Officer and Presenting Officer respectively to conduct an enquiry against the accused engineer.

Whereas, the Inquiry Officer in his report dated 19-03-2022 submitted that prior to June 2020 the funds allotted for various schemes of PWD and schemes of other departments were utilized for procurement of materials through Stores Procurement Department because the funds were released at the fag end of financial year and sufficient quantum of work done was not available. It was a normal practice, which was established as a precedence, to procure the material in bulk out of the funds available which were not utilized in work done claims. The material thus procured was issued for all/any ongoing schemes where there was a requirement for consumption of the same. The cost of material issued to other schemes was credited back to the original schemes once funds were made available for the schemes for which it was issued. The manual transfer/ book adjustment entries were made by respective Executive Engineers of the divisions of J&K. There is a considerable quantum of material which has been procured by many divisions of J&K for the last so many years and same has not been recovered in full till date. Same has been pointed out in various audit reports of Finance Department and CAG, which reads as under: -

"The plans were prepared on adhoc basis without conducting baseline surveys. Financial management of the department was inadequate with lack of proper budgetary control, such as persistent excesses over allocations, rush of expenditure at fag end of the year, delay in release of funds and excess release of loan component to field offices. Programme implementation was inefficient and suffered from delays in completion of works, execution of works without invitation of tenders, irregular extension of works, unfruitful investments, unrealistic estimation and cost and time overruns, execution of work without accord of administrative approvals and technical sanctions et. Quality control measures were deficient due to non-establishment of material testing laboratories and non-conduct of adequate quality control tests. Absence of control mechanism in the department to evaluate/ monitor the execution of projects was virtually non-existent."

Whereas, the Inquiry Officer has further reported that as pointed out by audit reports of

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Finance Department and CAG, the availability of funds were utilized from one scheme to another scheme, material was issued to the agencies on loan and work was executed through SICOP, JKPC, JK Housing Board etc. Now the government streamlined this procedure/practice from June 2020 by implementation of JKPAYSYS System i.e., online system in all the working division of J&K State now UT, no work is being executed without accord of Administrative Approval and Technical Sanction and confirmation of availability of funds. Further the government also stopped the purchase of material from the available funds of the schemes & Stores Procurement Dept. The report further reveals the details of 06 NABARD/CRF Schemes are as under:-

S.No	Name of Scheme	Approved cost	Expenditure upto 05/2021	Availability of funds in shape of stock/material to be recouped	Funds yet to be released	Total available funds as, per approved DPR (6+6)	Funds required for completion
1	2	3	4	5	6	7	8
1	Loolipora Kolipora road	387.4	300.54	106.53	86.64	193.17	86.64
2	Bhat Lohren Khag road	237.53	213.71	29.71	23.82	53.53	0.00
3	Abadpora Parisabad road	236.26	211.48	99.82	24.78	124.60	176.41
4	Hamchipora to Haripora Gulab Daji via Poshkar	270.7	243.63	70.18	27.07	97.25	0.00
5	Ralthan Kachwari road	33.41	303.67	0.00	33.74	33.74	67.00
6	Mujpathri to Doodpathri via Sochalpathri	312.0	255.80	82.03	56.20	138.23	260.82
Total		1781.30	1528.83	388.27	252.25	640.52	590.87

The above statement (submitted by the defendant) shows that an amount of Rs. 590.87 Lacs is required for completion of balance works of four number schemes, as per the defense argument, the material component which has been issued to other schemes but not recovered is amounting to Rs. 388. 27 Lacs plus the funds available for 04 number of schemes is 201.36 lacs as loan component i.e., total 589.61 lacs are available, which are sufficient to complete the balance works of these schemes and in this case, it is recommended that Executive Engineer R&B division Budgam be directed to complete these works by recovering the material component from the relevant schemes in addition to the availability of funds so that the schemes are completed.

Whereas, the Inquiry Officer has also reported in respect of Magam Beeru Budgam Road (CRF) which was approved in the year 2016-17 for an amount of Rs.3185.00 Lacs

and tendered for an amount of Rs.2380. 78 Lacs. The allotment was issued by the then Chief Engineer PWD(R&B) Kashmir vide No. CE RBK/WS/ 23601 -04 dt. 14/01/2017 for an amount of Rs.2125. 67 Lacs. As per the records, Er. Asgar Ali Watali invited another tender for balance amount of Rs.950. 00 Lacs which was allotted by the then Chief Engineer PWD (R&B) Kashmir vide No CE/RBK/WS/16587-89 dt.08/09/2018 for an amount of Rs.794. 00 Lacs. As already submitted in his previous report that the Rs. 220.13 lacs has been incurred on a various allied works which were not part of approved DPR. Out of which the then Executive Engineer R&B Division Budgam (predecessor of Er. Asgar Ali Watali) executed various allied works on same road for an amount of Rs.155. 82 Lacs and Er. Asgar Ali Watali executed allied works amounting to Rs. 64.31 lacs which were not part of approved DPR. As reported by Presenting officer contract has been fixed for completion of project and work shall be completed within the sanctioned cost. Works executed on single tenders.

Whereas, the Inquiry Officer has concluded the report as under:-

"Having considered all the facts and documents on record and the statements submitted by defense, it is a fact that the procedure/practice as pointed out by audit reports of CAG and Finance Department was followed by most of the PWD division in general including (R&B) Division Budgam (Mufasil). It has been observed that the practice of procedural deviations by the then Executive Engineer (R&B) Division Budgam (Mufasil) was n't an exception. The Article of Charges need to be considered keeping in view the above observations as no malafide or ill intentions of embezzlement has been attributed".

Whereas, the instant case was referred to the Development Commissioner (Works) (now Engineer-in-Chief, JK UT) for comments in the matter. The Development Commissioner (now Engineer-in-Chief, JK UT) has furnished his comments as under:-

"The violation of procedures was being done in J&K in most of the divisions prior to online mode. The said violation has got plugged well by invoking online mode throughout. Based on findings and clarifications given by the Inquiry Officer/Administrative Inspection officer Circle Srinagar-Budgam, both has not established any loss to Government Exchequer. The Inquiry Officer in its conclusion explicitly states that "Having considered all the facts and documents on record and the statements submitted by defense, it is a fact that the procedure/practice as pointed out by audit reports of CAG and Finance Department was followed by most of the PWD Division in general in including (R&B) Division Budgam (Mufasil). It has been observed that the practice of procedural deviations by the then Executive Engineer (R&B) Division Budgam (Mufasil) was not an exception. The Article of Charges need to be considered keeping in view of the above observations as no malafide or ill intentions of embezzlement has been attributed".

Whereas, the then DCW(Now Engineer-in-Chief) recommended that the RDA against the officer may be dropped, however, a warning may be issued so as to remain vigilant in future.

Whereas, the authorities, decided to sent case file to new D.C (W) (now Engineer -in -Chief) for his comments as the previous D.C (W) has sent finding a few days before his superannuation. The D.C (W) (now Engineer-in-Chief) returned the case file with the following remarks/recommendations:-

"From the perusal of the charges served to the delinquent officer and the observations of the Inquiry Officer it is observed that the charges leveled such as office record not being maintained properly, APR's not obtained from employer, booking of materials under various heads of accounts and diversions of the same to other works, the inquiry officer has rightly pointed out that the discrepancies found in maintenance of records were being sorted out and were adhered to. The property returns and APRs as a routine are submitted by the employees directly to the concerned and no record is maintained in divisional office. As far as booking of materials is concerned it was done to avoid lapse of funds. The payment for purchase of key materials was made to the Central Procurement Store and material were issued to the works having funds and the same so recouped were paid to the contractors for the works executed. Now store procurement department stands wind-up and the amounts paid prior to its closure are lying with the Govt. The other charges are allotting the works on single tender, allotting the works to the L-2 tenderer, allotments in excess of advertised cost and manual addition/deletion of items of quantities. As far as single tender is concerned the same can be opened and allotted provided that sufficient time for advertisement has been given and the rates are reasonable. The tenders can be allotted to the L-2 bidder if the L-1 backs out and in the instant case the work has been allotted to the L-2 bidder though not on L-1 rates but even then at very low rates i.e. 44% below advertised cost. The manual deletions in E-tendering cannot be done, this should have been done by issue of corrigendum /addendums. Allotting of works in excess of advertised cost can be done after ascertaining the reason ability of rates as negotiations are to be discouraged as far as possible. Issuing MS Pipes to JE, Rs. 3.00 Lacs paid/released to SICOP has been done on proper indent and proper GR, the same being entered in the stock register. No authentic papers were presented to the inquiry officer in respect of unrealistic demands of funds. Regarding fuel consumption the XEN in his reply has said that -12.5 Ltrs/day is not abnormal keeping in view the jurisdiction of the Division. The Inquiry Officer in his concluding remarks has stated that procedures/practices as pointed out by CAG audit reports and Finance Department being not followed by XEN Budgam was not an exception. Based on the findings and classifications of the inquiry officer there is no loss to the exchequer as no malafide or ill intentions of embezzlement have been attributed.

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Whereas, the Inquiry Officer has intimated that some codal violations have been observed for which we may issue a warning to the delinquent officer and recommended to drop the RDA against the officer.

The recommendations of the Inquiry officer, Ex.DCW and present DCW(now Engineer-in-Chief) were examined in the department and it was found that some codal formalities were not adhered to , which is procedural lapse, however there is no loss to the public exchequer.

Now, therefore, in view of the above and by upholding the recommendation of Inquiry Officer and Development Commissioner (Works)(Now Engineer-in- Chief), with the approval of the Competent authority the allegations leveled against Er. Asgar Ali Watali, the then Executive Engineer, PW(R&B) Division Budgam are dropped and case is hereby closed with warning to remain cautious and careful in future and to strictly comply with rules and procedure without any deviation while discharging his duties.

By order of the Government of Jammu and Kashmir.

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


PWD-HRM1/113/2022-05- R&B DEPARTMENT (CC.No.193240) Dated: 02.02.2023

Copy to the

1 Joint Secretary (J&K), Ministry of Home Affairs, GOI.

Copy also to the :-

1. Development Commissiner (Works) (Now, Engineer -in - Chief JK UT).
2. Director Archaeology & Archives, J&K.
3. Chief Engineer, PW(R&B) Department, Jammu/Kashmir.
4. Concerned Engineer.
5. Private Secretary to Principal Secretary to Government, Public Works (R&B) Department.
6. I/c Website.
7. Government Order file/Stock file.


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

