



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

Subject: - Preliminary Inquiry against Er. Farooq Ahmad Shah, then Manager, J&K Projects Constructions Corporation, Ashtingoo the then I/C Executive Engineer - now retired.

Government Order No. 95 PW(R&B) of 2023  
Dated: 6 .03.2023

Whereas, the General Administration Department vide O.M.No.GAD(Vig)24-RDA/2019 dated 23.09.2019 forwarded a representation submitted by Er. Farooq Ahmad Shah, I/c Executive engineer, PW(R&B) Department, alongwith copy of communication NO.SVO-PE-BK-01/06/118-20 dated: 08.01.2007, with the request to furnish the detailed report in the matter.

Whereas, the department requested ACB to furnish the details of the case. The ACB vide letter No.ACB-PE-01/2006-18467-68 dated: 17.08.2021, furnished draft article of charges, statement of Imputations and gist of evidence against the accused for further course of action.

Whereas, as per available records in the file, only a preliminary inquiry was conducted against the delinquent officer in 2006 and charges of misconduct on account of borrowing/lending was levelled against him and it was observed that charges leveled against the delinquent were neither grave nor established or proved. Even the contractor/complainant had furnished the affidavit in support of the accused engineer. Further there is no vigilance angle / loss to state exchequer thereupon. Besides, charge sheet was not served to Mr. Farooq Ahmad Shah then.

Whereas the inquiry cannot be initiated afresh in the instant case as it is now beyond the purview of Article 168-A with the superannuation of delinquent officer from active service in 2011.

Whereas, the charges were again examined in the department and it came to fore that the accused engineer stands retired in the year Nov. 2011 and therefore the case was submitted to the authorities for closure of the case in terms of the rule 168-A of JKCSR, however, the competent authority did'nt agree for closure of the case rather directed for a punishment to the accused engineer.

Whereas, the matter was accordingly referred to GAD vide O.M. dated 20.04.2022 for clarification and advice "whether the department can impose the said penalty in absence of inquiry against an officer wherein enquiry cannot be initiated in terms of rule 168-A of JKCSR ."

Whereas, in response of this Department's O.M. dated 20.04.2022, the GAD intimated

*Handwritten signature and date:*  
26/03/2023

that on consideration, it has been observed that the case of the retiree squarely falls with the provision of Article 168-A of J&K CSRs and advised to close the instant RDA case in respect of Er. Farooq Ahmad Shah, then I/c Executive Engineer (now retired), in terms of Article 168-A of J&K CSRs.

Whereas the case was again submitted to the competent authority for closure of the case in terms of art. 168-A of JKCSR and as per the advice rendered by the GAD and the competent authority approved accordingly.

Now, therefore, in view of the above and by upholding the advice of General Administration Department and with the approval of the competent authority the allegations leveled against Er. Farooq Ahmad Shah, the then I/c Executive Engineer (Manager, J&K Projects Constructions Corporation), Ashtingoo (now retired) is dropped and case is hereby closed.

By order of the Government of Jammu and Kashmir.

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


No. PWD-HRM1/21/2021-05-Department of PWD R&B(CC.23325) Dated: 6 03.2023

Copy to the:-

1. Commissioner/Secretary to the Government, General Administration Department. This is with the reference to his O.M No. GAD(Vig)24-RA/2019 dated 23.09.2019 and NO.GAD-VIGORDA/158/2022-02-GAD dated 16.01.2023.
2. Managing Director JKPC for inf. n.a.
3. Director, Anti Corruption Bureau, J&K, Jammu.
4. Director Archives, Archaeology & Museum, J&K Jammu.
5. Chief Engineer, Public Works(R&B) Department, Jammu/Kashmir.
6. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
7. Concerned Retired Engineer.
8. Private Secretary to Principal Secretary to the Government, Public Works (R&B) Department.
9. I/c Website.
10. Government Order file/Stock file.

Copy also to the:-

Joint Secretary (J&K), Ministry of Home Affairs Government of India.

  
(Dr. Zeba Sulaiman) JKAS  
Under Secretary to the Government

