



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

Subject: Initiation of Regular Departmental Action against Shri Kulwant Singh Gill, (AE) then Manager, JKPCC, Ltd. Unit Reasi.

- Ref. 1. O.M No. GAD(Vig)57-RDA/2017 dated 06.07.2017.
2. VO-JMU-JSC-05/2014-B100-01 dated 09.05.2017.
3. G.O.No.493-PW(R&B) of 2019 dated 28.11.2019.
4. O.M No. GAD(Vig)57-RDA/2017 dated 06.03.2020.

Government Order No. 99 PW(R&B) of 2022
Dated: 15.03.2022

Whereas, the General Administration Department vide O.M No. GAD(Vig)57-RDA/2017 dated 06.07.2017 forwarded a communication No. VO-JMU-JSC-05/2014-8100-01 dated 09.05.2017 along with Article of Charges, Statement of Imputation and gist of evidences against Sh. Kulwant Singh Gill, (AE), then Manager, JKPCC, Ltd. Unit Reasi for initiating action against him in light of the recommendations of Vigilance Organization (now ACB) as per the mandate of J&K CS(CC&A) Rules,1956 with the approval of Disciplinary Authority.

Whereas, the Vigilance Organization, J&K(now ACB) vide ibid communication has intimated the multifarious allegations regarding misappropriation of funds on account of execution of works, using sub standard material in the construction of approach road and in the construction of bridge of Jajjar Kotli funded by SMVD Shrine Board as well as the allegations regarding raising of huge assets by the subject etc. Further the subject allegedly committed irregularities during execution of a project for construction of 195 mt span double lane bridge over Jajjar Nallah for an amount of Rs. 15.96 crores in the year 2009. The Engineer has allegedly initially raised the cost of Project from Rs. 15.96 crore to Rs. 16.20 crores and thereafter to Rs. 23.69 crores without seeking any approval from the Competent Authority.

Whereas, vide Government Order No. 327-PW(R&B) of 2017 dated 12.09.2017, Shri G.M. Khan, Director Finance PW(R&B) Department was appointed as inquiry Officer and Shri Joni Kumar, Under Secretary, PW(R&B) Department as Presenting Officer to enquire into complaint against Sh. Kulwant Singh Gill, (AE) then Manager, Jammu and Kashmir, Project Construction Corporation (JKPCC), Ltd. Unit.

Whereas, the Inquiry Officer vide endorsement No. PW(R&B)/1475 dated 28.02.2018 submitted the report and concluded that revised cost offer to the tune of Rs. 2037.00 lacs as work done be got vetted by any technical authority especially by Development commissioner (works) to ascertain whether the same is genuine and the rates allowed unit wise were reasonable. The work done claims required to be checked viz-a-viz rates and accordingly further action be taken.

Whereas, vide Govt. Order No. 377-PW(R&B) of 2018 dated 28.06.2018 an other committee was constituted under the Chairmanship of Mr. D.K. Khana, Chief Engineer Mughal Roads Project to conduct detailed enquiry into the alleged irregularities committed during execution of 195 Mtr Span Double Lane Bridge over Jhajjar Nallah in the year 2009 with two members, namely Shri Shakti

Sagar, I/c Executive Engineer SMVD University and Shri Aijaz Masood, Research Officer, DIQC Srinagar with the following terms and conditions:-

- i. Causes that lead to formation of faulty DPR.
- ii. Expenses incurred in the preparation of DPR.
- iii. Technical reasons for construction of additional length of 1.5 Kms of approach road.
- iv. Reasons for execution of work beyond scope of DPR without prior approval of competent authorities.
- v. Conducting safety Audit of Bridge.

Whereas, the enquiry committee submitted its report dated 08.04.2019 and found that involvement of Sh.Kulwant Singh Gill was not rationally established:

- i. In preparation of DPR of the work as the same has been prepared by PWD Jammu.
- ii. In incurring any expenditure for preparation of DPR.
- iii. In increasing length of the road as the proposals was already approved and the earth work was already in progress.
- iv. In Execution of work beyond scope of DPR.

Whereas, the team comprising of Shri D.K. Khanna, I/c Chief Engineer, Shri Shakti Sagar, Executive Engineer, conducted detailed inspection of roads on 28.12.2018. It was observed by them that the construction of road was relatively satisfactory and the condition of road was quite good, even after passing of almost 4 years since its inauguration.

Whereas, the enquiries conducted above but the core issue highlighted in the Articles of Charge forwarded by VO(Now ACB) had remained unaddressed and not replied properly even by the then Director Finance who had undertaken a preliminary enquiry in the matter earlier. The issue is regarding rate of painting and scaffolding items which was allegedly paid as LMR and not the approved/cost offer rates.

Whereas, vide this Department's letter No. PW(R&B)/HRM/49/2017-Vig dated 27.05.2019, the then Chief Engineer, PMGSY JKRRDA, Jammu (Er.D.K.Khanna) was requested to furnish his comments on the following aspects of charges:-

- i. it was found that the item of providing one coat of painting primer including cleaning of surface by washing, sand papering etc amounting to Rs.1,65,176/- was charged vide M.Book: 1282, Page:46-47 and 48-49 which was already included in allotment No.DGM-J-3rd -1207-1211, Dt:31-3-2011.
- ii. it was found that the rate for painting and scaffolding items were paid as LMR and not as the approved / cost offer rates.

Whereas, vide Government order No.493-PW(R&B) of 2019 dated 28.11.2019, the charges levelled against the subject were dropped and case was closed with the warning to remain careful in future.

Whereas, the General Administration Department vide communication No. O.M No.GAD(Vig)57-RDA/2017 dated 06.03.2020 advised to re-visit the case as per the laid down procedure.

Whereas, vide this department communication No.PW(R&B)/49/2017-Vig dated 19.06.2020, article of charges were served to the accused through Executive Director (Chief Engineer), JKPCJ Jammu.

Whereas, the vide Government Order No.181-PW(R&B) of 2020 dated 19.06.2020, in supersession of previous Government orders on the subject, Er.Showkat Ahmad Dar, GM, JKPCJ Jammu and Mr.

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Kishore Kumar Executive Engineer/Dy.Manger, Unit Reasi were appointed as Inquiry Officer and Presenting Officer to conduct the Inquiry into the matter.

Whereas, the Inquiry Officer submitted report vide communication No. PA/ GM/K/ 21/ 3879-80 dated 17.12.2021, wherein it was reported :-

"The case pertains to construction of 164.30mtr.Span double Lane Bridge over Jhajjar Nallah connecting Shri Mata Vaishno Devi University to NH-1A. A written report has been obtained from the I/c Manager Er Kulwant Singh Gill who has placed the reasons and circumstances for applying an additional coat of primer over the bridge on the occasion of Inauguration of the bridge by the then Hon'ble Chief Minister of J&K State on 09-08-2014 . As reported by the I/c Manager, the initial coat of primer was done around two years back at the time of launching of girders which has deteriorated due to passage of time. The additional coat of primer and painting was done on the directions of the higher officers copy of the written statement of the official Mr.Kulwant Singh is attached here with for reference. During the site inspection of the bridge, it was observed that the work looks intact in all respect. The painting of the super structure which is under inquiry has been found to have been executed and is physically in good condition. The approach road including protection work, drainage crossings were found quiet well in place even after passage of more than six years as on date. The said accused has remained posted on the Project from 03/ 2014 to 09/ 2015 vide General Manager JKPCCL Limited Jammu order No:GM// 3779-82 dt: 03-03-2014 . The article of charges against the accused is that he has done additional coat of primer on the steel girders of the bridge over Jhajjar Nallah which has been charged for an amount of Rs.1,65, 176.00 vide M.Book No: 1282 Page: 46-47 & 48-49 , which is already included in the allotment No:DGM-J-3"/ 1207-1211 dt: 31-03-2011 in favour of M/s Z. H. Industries; Happur Road, Gaziabad(U.P) which reads as:

"Fabrication, erection/launching complete with all welding, Bolting etc including shop application of first coat of Red Oxide, Zinc Chromate primer on fabricated members after surface treatment, phosphating etc and a second coat of primer after assembly and erection with necessary surface treatment for joint locations as per the drawings and design. The rates for painting for scaffolding items have been paid on LMR and not on approved/ cost offer rates".

After announcement of the date of the inauguration of the bridge i.e 9th August, 2014 to be done by the then Hon'ble Chief Minister J&K State. Sufficient time stands passed i.e approximately two years between launching of the superstructure and inauguration of the Bridge. The department i.e JKPCCL has felt to get the primer/painting of the bridge done for the purpose of inauguration and for the longevity of the paint work. The decision for allowing additional primer coat is solely the prerogative of the higher authority i.e the DDO/DGM Incharge of the Unit. The Manager Sh. Kulwant Singh Gill Incharge Manager of the work has no power/authority to execute the work without the instruction of the DDO/DGM Incharge of the Unit. Further as per the records the payment for additional coat of painting of primer on the steel bridge has been charged for an amount of Rs. 165176.00 which is fact and is clear from the records. Moreover, the rate of painting and scaffolding items have been charged on LMR which are duly verified by the then Manager Er Kulwant Singh Gill JKPCCL Ltd. Unit Reasi and not on approved/cost offer rates which is also a fact and is clear from the records. The whole process i.e

painting additional coat of primer including cleaning of surface by washing, sand papering has been carried out by Er Kulwant Singh Gill the then Manager JKPCCL on the instructions of his DDO/ DGM. The officer under inquiry could neither have any authority to get the work executed at his own level nor to make any payments for such works. It is only the DDO/ DGM I/c who has the prerogative to issue instructions for any such work and process the payments. The inquiry report is as such concluded with the report that Er Kulwant Singh Gill the then Manager JKPCCL must have definitely executed the work on the instructions of his superior Officers who have passed the bill for release of payments. The Officer under inquiry could neither have done the said work on his own nor does he have any authority to make the payments. The Official as such does not seem to be involved in getting the additional work executed on his own unless and otherwise authorized by the authorities.

Whereas, after examination, the said case was referred to the Development Commissioner (Works) for opinion. The DCW made following observations :

1. The initial coat of primer was done two years prior to the inauguration, at the time of launching of girders, as stipulated in the allotment order.
2. An additional coat of primer and painting has been done on the occasion of inauguration of bridge by the then Hon'ble Chief Minister of J&K, in August 2014.
3. The additional coat of primer has been carried out at LMR rates by the then Manager, JKPCCL Ltd. on the instructions of the higher authorities/DGM, for the purpose of inauguration and increasing longevity of paint work.
4. The additional work has been executed on LMR as the rates for these items were not included in the allotment order separately. The primer was part of the item for steel work and was already executed at the time of fabrication.
5. DGM, the authorized officer has made the payment of additional work and not by the AE as alleged.

Whereas, the reports of inquiry officer and DC(W) were examined in the department and it was found that the Inquiry Officer absolved the engineer of the charges and DC(W) recommended for the charges to be dropped against the accused engineer.

Now, therefore, in view of the above and by upholding the recommendation of Development Commissioner (Works), with the approval of Competent Authority, the allegations leveled against Shri Kulwant Singh Gill (AE) then Manager, JKPCCL, Ltd. Unit Reasi are dropped and case is hereby closed with warning to remain careful in future.

By order of the Government of Jammu and Kashmir.

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

No: PWD-RDA/23/2021-01-Dept of PWD R&B(C.No.20781)

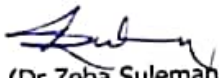
Dated: 15.03.2022

Copy to the:-

1. Principal Secretary to the Government, General Administration Department. This is with the reference to his O.M No. GAD(Vig)57-RDA/2017 dated 06.07.2017 & dated 06.03.2020.
2. Development Commissioner (Works), PW(R&B) Department.
3. Director, Anti Corruption Bureau, J&K, Jammu.
4. Director Archaeology & Archives, J&K Jammu.

5. MD, JKPCC Ltd., Jammu, with the directions to revisit the case and send the names of the engineers to this department who were actually the defaulters in this case.
6. Chief Engineer, R&B, Jammu/Kashmir.
7. Concerned.
8. Private Secretary to Principal Secretary to Government, Public Works (R&B) Department
9. Government Order file/Stock file.

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


(Dr. Zeba Suleman)
Under Secretary to the Government
