



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

Subject: Initiation of Regular Departmental Action against Er. Abdul Rashid Sheikh, Executive Engineer PW(R&B) Division, Ramban.

Government Order No: 131 PW(R&B) of 2021
Dated: 31.03.2021

Whereas, the General Administration Department vide O.M No. GAD(Vig)37-RDA/2017 dated 16.06.2017 has forwarded a communication No. VO-UDR-SV-11/2014-6302-03 dated 30.03.2017 along with Article of Charges, Statement of Imputation and gist of evidences for Initiation of Regular Departmental Action against Er. Abdul Rashid Sheikh, Executive Engineer PW(R&B) Division, Ramban as recommended by the Vigilance Organization (Now ACB) in terms of J&K Civil Services (CC&A) Rules, 1956 for misappropriation of funds by misuse of official position during construction of bridge at Jhangra Alanbas, Ramban.

Whereas, the department vide Government Order No. 338-PW(R&B) of 2017 dated 18.09.2017 appointed G.M.Khan, Director Finance PW(R&B) Department as Inquiry Officer to enquire into the matter.

Whereas, the Inquiry Officer vide Communication No. PW/R&B/Accts/1356 dated 24.01.2008 reported that:-

- i)- Administrative approval stands accorded for an amount of Rs.61.45 lacs for the construction of bridge inclusive of substructure abutments, approaches/path and superstructure, but Rs.36.50 lacs stands released for the work from 2009 to 2014.
- ii)- An amount of Rs.23.09 lacs has been booked expenditure against the work executed and Rs.13.41 lacs has been booked under material. It is a fact that the contract has been allotted to Shri Beer Singh S/o Shri Jodh Ram R/o Alinbass Tehsil Banihal, but he had jointly worked with his partner Shri Farooq Ahmed Zargar S/o Siraj u Din R/o Alinbass. The two contractors had developed some dispute with regard to the contract and the former had left the work midway without constructing left and right approaches. The second contractor namely Sh. Farooq Ahmad Zargar has executed the work on

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the approved rates on the orders of the Executive Engineer as he was forced to complete the work without any further delay on the orders of District Administration. The left and right approaches have been got constructed on reasonable rates and there has been no loss to the government exchequer. The former contractor went to Vigilance with a complaint against awarding contract to the later contractor, but subsequently the two have reconciled and reportedly Sh. Beer Singh withdraw the complaint against Sh. Farooq Ahmed and the Executive Engineer of the Division .

- iii)- The probe by the Vigilance Organization too has not established the charge. The initiation of Regular Developmental action in the matter is not required, as the Executive Engineer concerned had no option left but to get the work completed within the short stipulated time and on the approved cost in order to mitigate the sufferings of the public at large as the construction of foot bridge without the approach paths was of no use. The higher authorities too have released the funds in a phased manner for 5 years which fact has caused the cost escalation of the work and the release of the funds from time to time has endorsed the cost escalation.

Whereas, the Inquiry Officer concluded that the Executive Engineer has not resorted to any financial irregularity of a grave nature in the allotment of work to a contractor who was a partner of already approved contractor on reasonable and competitive rates.

Whereas, the matter was also taken up with Chief Engineer, PW(R&B) department, Jammu for comments in the matter.

Whereas, the Chief Engineer vide communication No.CEJ/Estab/S/2375-76 dated 26.12.2019 has revealed that total work done claim of Rs.2308677.00 was released in favour of Contractor who had executed/completed the work in question. The project cost of the scheme is Rs.31.45 lacs, whereas amount of Rs.36.50 had been booked for purchase of material due to fag end of financial year and are still lying in books of the PW(R&B) Department Division, Ramban. Further, the expenditure of the bridge is within the scope of project cost.

Whereas, the case was examined in the department and referred to the Development Commissioner (Works) for comments/opinion.

Whereas, the Development Commissioner (Works) has elaborated that the codal provisions have been violated by getting part of work executed through other agency as reported by Inquiry officer in his report to mitigate



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the suffering of the public at large as the construction of bridge without the approach was of no use.

Whereas, the case was submitted to the competent authorities for closure of the same and the authorities have approved with following observations:-

"it is a serious irregularity to make payment and get work done by a person who is not the contractor to whom the tender has been awarded. The punishment of censure be awarded".

Now, therefore, in terms of Rule 30 of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956, Er. Abdul Rashid Sheikh, the then I/c Executive Engineer, PW(R&B) Division, Rmban is hereby censured for his delinquent attitude while performing his official duty. Suitable entry in his service records shall be entered accordingly.

By order of the Government of Jammu and Kashmir

Sd/-

(Shailendra Kumar) IAS

Principal Secretary to the Government

Dated: 31.03.2021

No. PW(R&B) HRM/47/2017-Vig

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs Government of India.
2. Commissioner/Secretary to the Government, General Administration Department. This is with the reference to his O.M No. GAD(Vig)37-RDA/2017 dated 16.06.2017.
3. Development Commissioner (Works), PW(R&B) Department.
4. Director, Anti Corruption Bureau, J&K, Jammu.
5. Director Archives, Archaeology & Museum, J&K Jammu.
6. Chief Engineer, Public Works(R&B) Department, Jammu/Kashmir.
7. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
8. Concerned Engineer.
9. Private Secretary to Principal Secretary to the Government, Public Works (R&B) Department.
10. I/c Website.
11. Government Order file/Stock file.

(Shahid Mahmood) KAS

Additional Secretary to the Government

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