



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

Subject: Regular Departmental Action against Er. Bharat Bhushan Sharma, the then Assistant Executive Engineer and Er. Ravi Sharma the then Junior Engineer, PW(R&B) Division Kathua.

Government Order No. 25 PW(R&B) of 2022  
Dated: 20.01.2022

Whereas, the General Administration Department vide O.M.No.GAD(Vig)93-comp/2012 dated 23.05.2012, has forwarded a communication No.SVO/SK-JSC-06/09-5143 dated 17.04.2012 of VO(now ACB) along with Article of charges, Statement of Imputations and other relevant documents for initiation of departmental action against the subject in terms of J&K Classification Control & Appeal Rules (1956).

Whereas, as per the ibid communication of Vigilance Organization (Now ACB) the engineers of the department were charged of malfunctioning and therefore were accused of making various irregularities by execution of the following three works taken by the vigilance organization for Joint Surprise Check:-

1. that against patch repair works of circular road Kathua, an amount of Rs. 64.00 lacs was drawn by Executive Engineer, PWD (R&B) Kathua during the year 2007-08. It was also alleged that the said repair works was not executed and only minor repair works amounting to Rs. 06.00 lacs were executed without any tendering and the entire money had been drawn against fake bills. It was further alleged that all the repair works shown to have been executed after the road was handed over to Economic Reconstruction Agency (ERA) for widening.
2. that during the year 2007 Executive Engineer PWD Kathua prepared an action plan of 19 works under the maintenance head for carrying out repairs of certain roads and it was submitted to Chief Engineer PWD for release of funds. Accordingly, an amount of Rs. 60.00 lacs was released by SE PWD (R&B) Division, Jammu with the condition that funds shall be utilized after obtaining administrative approval from the concerned authority. Executive Engineer PWD Division, Kathua tendered only 04 works and 07 works amounting to 6.61 lacs were not taken up for execution at all. But the physical and financial statements submitted by PWD Division Kathua to higher authorities and Form no. 64 falsely depicted that all the 19 projected works were completed before March 31st, 2008. The aforesaid amount originally allotted against 19 works was actually utilized against various unapproved works and for managing the affairs of District Administration in organizing the functions/public rallies.
3. that against one of the works of raising the level of Kathua-Hatli Morh road in three different RDs, NIT No. 50-NIT/ 2007-084724-40/G dated: 12.11.2007 and No.49-NIT/2007-084724-40/G dated: 12.11.2007, were issued by Executive Engineer (R&B) Division Kathua. Work was allotted to Shri Sandeep Singh on 18.12.2007 and to Shri Jasbir Singh on 28.12.2007. Verification revealed that the entire work was executed over a stretch of 378Mtrs in Km 1st. without following various aspects of scope of work as mentioned in the allotment orders. The contractors started the execution of works on 28.12.2007 and on 16.01.2008 and the works have been shown completed on 15.01.2008 and 15.03.2008 respectively.

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Verification revealed that vide an endorsement dated 27.12.2007 addressed to Executive Engineer, PWD (R&B) Kathua, SE PWD (R&B) Jammu-Kathua Circle, Jammu forwarded the letter to Chief Engineer, PM(T) ERA Jammu, received from CE PWD (R&B) Jammu containing the list of works to be taken by ERA under ADB funding to avoid overlapping of works in line departments, which also included the work of Kalibari Kathua Halli Morh Road. In compliance to the said letter, Executive Engineer PWD (R&B) Kathua vide letter dated 02.01.2008 communicated to SE PWD (R&B) Jammu-Kathua Circle that the Kalibari to Halli Morh Road via Kathua was handed over to ERA. Thus, in spite of the knowledge that the aforesaid road stretch was to be handed over to ERA and a communication in this regard (dated 02.01.2008) conveying that road was handed over to ERA, Executive Engineer PWD, Kathua allowed work by the contractors (even after 02.01.2008) which could have been avoided. The actual document of handing/taking over of the said road between R&B Kathua & ERA has been signed on 01.04.2008 and it was requested that credit of the work of up-gradation of Kathua Halli Morh Road undertaken by PWD (R&B) Division Kathua may be considered by ERA for adjustment.

In this regard, SVO (now ACB) stated that RDA may be initiated against them for irregular expenditure out of an amount of Rs. 60.00 lacs spent by the Division on various works not covered under approved action plan of 19 works and for submitting false physical & financial statements to higher authorities and Form 64 depicting that all the 19 approved works had been completed before March 31 st 2002.

Whereas, the case was examined in the department and delinquent Engineers were charge sheeted by the department vide this department letter No.PW(R&B)HRM/ 04/2012 dated 09.07.2012.

Whereas, the accused engineers submitted reply to the article of charges, case examined and vide Government Order No. 136-PW(R&B) of 2015 dated 10.06.2015, Er.Sat Pal Manhas, the then Superintending Engineer, R&B Circle, Jammu was appointed as Inquiry Officer to conduct an enquiry into the matter.

Whereas, the Inquiry Officer vide letter No.SEMRP/808 dated 17.02.2016 reported that the delinquent officers executed the work as per direction of their superior officers but in this case, it seems to be a case of an over action on the part of delinquent officers in the interest of Govt. / public of the area. It is advisable to take the higher authorities in to confidence as and when any deviations from the normal procedure and rules is to made under compelling circumstances, though in the interest of Govt. Public. On the basis of the mistake, any no malice can be attributed to the delinquent officers on the basis of which his integrity and deviation to duty may be doubted whatever has been done by the delinquent was in the interest of Govt/public works and not with any object of giving undue benefit to someone else. He is of the opinion that the charges leveled against the subject do not tantamount to indiscipline or loss to the state exchequer but infect the action taken has saved the image of the department for acting promptly and providing the best possible facility to the road user especially to the Kathua town. In view of the site condition and also as explained by the then Executive Engineer, the stretch in question was no doubt a low lying one and remained water logged due to flood in Kathua Khad resulting continuous seepage in the stretch and erosion from Khad to road side thereby more frequent damage to this road stretch. The road stretch also falls in the heart of Kathua town which cannot be left unattended for a longtime being a very busy important town road. Therefore, this stretch was required to be improved by way of laying of RBM, shingling and metalling as well as premixing in the interest of public convenience and this action of Junior Engineer/Assistant Executive Engineer and Executive Engineer cannot be attributed to the wasteful expenditure or



violation of any statute. The payment of work was released by then Executive Engineer PW(R&B) Division Kathua only after ascertaining its genuineness.

Whereas, the Chief Engineer also forwarded the report of Executive Engineer issued vide letter No.1586-87/SE dated 25.10.2021, wherein it was reported that all three works executed by the Executive Engineer PWD (R&B) Div. Kathua in the year 2007-08 repair works of Kalibari to Hatli more road via Kathua at different three RDs against which state Vigilance organization (now ACB) during surprise check leveled some allegation vide their No. SOV/SK/JSC/06/09-5/43 dated 17.04.2012 regarding irregularities in three works. Further reported that in the year 2007, the Executive Engineer PWD (R&B) Div. Kathua prepared an action plan of 19 work under maintenance head for carrying on repairs of certain roads submitted to this office and accordingly an amount of Rs.60.00 lacs were released through Superintending Engineer PWD (R&B) Jammu Kathua Circle Jammu town. As per approved Plan the below mentioned were kept in plan for the three works against which inquiry is going on pertaining to repair work of Kalibari Hatli More via Kathua road at different RDs.

Repair of road stretches in KM 1st to 3rd	= 2.23 lacs
WBM grade II & WBM grade III in KM 1st to 3rd	= 3.33 lacs
Premixing in stretches KM 1st to 3rd	= 5.78 lacs

As per record provided, list of two works were put in the tender and work stands allotted to contractor namely Sh. Jasbir Singh and Sh. Sandeep Singh by the Executive Engineer PWD(R&B) Division Kathua on 18.12.2007 and 28.12.2007 respectively. The execution of work completed by these contractor before 31.03.2008 as per record. With regard to the premixing work in stretches in KM 1st to 3rd reported by Superintending Engineer Jammu in his letter NO.SEMRP/808 dated 2016, that stretches in question are low lying one and remain water logged due to flood in Kathua Khad and there's continue seepage in stretches.

Keeping in view the urgency and as per public demand as the said road falls in the heart of city which cannot be left unattended for along time being a very busy road the premixing work in stretches in KM 1st to 3rd got executed departmentally through contractors which was reportedly not a unfruitful expenditure. Further, with regard to inquiry of all the three works which stands inquired by the designated inquiry officer Sh. Sat Paul Manhas, the then Superintending Engineer Public Works(R&B) Department Jammu Kathua Circle Jammu appointed vide Govt. order No.136-PW(R&B) of 2015 dated 10.06.2015. Accordingly detailed report already stands submitted by the designated inquiry officer vide his No.SEMRP/808 dated 17.02.2016 and in the conclusion at last para of his report, it is clearly mentioned that the charges leveled against Er. Bharat Bhushan Sharma, the then Assistant Executive Engineer PWD (R&B) Division Kathua. Er. Ravi Sharma the then Junior Engineer do not tantamount to indiscipline or loss to the state exchequer but in fact the action taken saved the image of the department for achieving promptly and providing the best possible facility to the road user especially to the Kathua Town. Further with regard to handing over Kathua to Hatli via Kathua road widening work, the said road was handed over to Executive of agency ERA on 01.04.2008. Also reported that all the minor road repair works stands completed on or before 31.03.2008 and accordingly liability of same stands cleared before handing over of road. Hence question of double unfruitful expenditure do not arise. The Executive Engineer has intimated that there is no indiscipline or loss to govt state/ exchequer. However as per report, the action taken here saved the image of achieving the targets promptly and have provided the best possible facility to the public of Kathua town, the question of any sort of action and recovery of loss to state exchequer does not arise against the officials.

Whereas, the case file was referred to the DCW for his opinion. The DCW has returned the file with the following opinion/comments:-

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"On perusal of the communication from Vigilance Organization Kashmir vide No. SVO-SK-JSC-06/09-5143 dated 17.04.2012, the allegations have been leveled against Er. Bharat Bhushan Sharma, the then AEE R&B Sub Division Kathua and Er. Ravi Sharma, the then JE R&B Sub Division Kathua only, who are neither responsible for allotment of works nor for allocation of funds for organizing the functions/public rallies of District Administration as reported by Vigilance Organization Jammu. The said engineers have been accused to have got executed the work for improvement of Kathua Hatlimore Road link by way of RBM filling and shingling/metalling as a single long stretch of 373 metres against proposed/ advertised patch work over a length of 3 Kms at different RDs. On perusal of the relevant documents, it has been observed that two NITs have been issued by Executive Engineer vide No. 49/NIT/2007-08 / 4707 23 /G Dated: 12-11-2007 for improvement of Kathua Hatlimore link by way of shingling/metaling in Km 1 st RD 200-425, 600-700, 875, 925 and Km 2 nd RD 425-500 and Km 3 rd RD 250-275 and NIT No 49/NIT/ 2007-08 / 4723-40 /G Dated 12 11-2007 for Raising of road in stretches/ Patches by way of RBM filling in layers on Kathua Hatlimore road link. The documents (Measurement Book) reveal that the said works have been got executed for Km 1 st RD 192-575 (383 metres). Further, the Inquiry Officer has reported that the said stretch of the road has been repaired in full against the patch work as proposed because of the fact that the stretch being a low lying remained waterlogged due to floods in Kathua Khad resulting continuous seepage in the structure and erosion from Khad to roadside. The exigency of the work has also been attributed to the fact that the said stretch falls in the heart of Kathua town which couldn't have been left unattended being a very busy and important road. Pertinent to mention that the works have been executed for KM 1st RD 192-575 which itself includes the advertised stretch of RD 200-425. The continuation of work for the stretch beyond RD 425 (upto RD 575) has been justified by the Inquiry Officer. It is observed that the estimate for the work has not been made with due diligence resulting in execution of work beyond the scope of allotment for which warning needs to be issued to be concerned AEE and JE to remain vigilant in future".

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 Er. Bharat Bhushan Sharma, the then Assistant Executive Engineer and Er. Ravi Sharma, the then Junior Engineer, PW(R&B) Division Kathua are dropped and case is hereby closed with a warning to the concerned JE to remain Vigilant in future and displeasure conveyed to retired AEE.

By order of the Government of Jammu and Kashmir.

Sd/-  
(Shailendra Kumar) IAS  
Principal Secretary to the Government  
Dated: 20.01.2022

No.PWD-RDA/17/2021-01-Dept of PWD R&B(C.No.16387)

Copy to the:-



1. Principal Secretary to the Government, General Administration Department. This is with the reference to his O.M.No.GAD(Vig)93-comp/2012 dated 23.05.2012.
2. Development Commissioner (Works), PW(R&B) Department.
3. Director, Anti Corruption Bureau, J&K, Jammu.

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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 Engineers.
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 Suleman)  
Under Secretary to the Government  


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