



सत्यमेव जयते

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

Subject: Complaint against officers/officials of PWD Mandi, Poonch by Rubina Showkat W/o Khadem Hussain R/o Ward No.02. Haveli Poonch (JSC-PE-04/2019) – Initiation of RDA against Er. Satish Bhagat.

Government Order No. 406 PW(R&B) of 2022
Dated: 18.11.2022

Whereas, the General Administration Department vide O.M.No. GAD(Vig)114-Comp/2019 dated 26.11.2020, forwarded a communication No. ACB-JSC-PRR-04/2018-17046 dated 13.11.2020, along with Article of Charges, Statement of imputations and gist of evidences as received from Anti Corruption Bureau for appropriate action in the matter.

Whereas, the ACB intimated that the JSC was conducted by the Central Office, SVO, J&K on the basis of source report wherein it was alleged that a steel foot Jhullah Bride of 30 Meters span at Nandichool in Arigam Panchayat to Battelkote, Poonch was approved regarding construction of Sub Structure which was allotted to M/S Rubina W/o Khadim Hussain. The ACB has alleged that the site of the work was changed, work was executed by the Officers/Officials of the PWD without tendering/codal formalities, and on exorbitant higher rates as compared to scheduled rates, resulted in huge loss to the state exchequer and wasteful expenditure also.

ACB alleged, the said Executive Engineer charged stone chiseller for breaking of boulders amounting to Rs. 21000/- and the classification of earth work was changed from 100% all kind of soil to 50% and all kind of soil and 50% hard rock which was not part of the project, as both the items were not permissible. As per allotment/revised D.P.R of the work, the classification of earth work was fixed i.e 100% all kind of soil and the contractor was bound to execute the work was executed on higher rates than the advertised/allotted rates as the classification of earth for all kinds of soil was changed and excess payment to the tune of Rs. 13331/- was made to the contractor in this behalf by Executive Engineer concerned, which resulted in loss to the state exchequer.

Whereas, the case of the accused was examined in the department thoroughly and it was decided to serve article of charges to accused (Er.Satish Bhagat, the then Executive Engineer, PW(R&B), Poonch through concerned Chief Engineer.

Whereas charge sheets were served to the accused Engineer on 23.12.2020 vide letter No.PW(R&B)/HRM/06-2020-Vig through Chief Engineer, PW(R&B), Jammu, thereafter the said Engineer submitted reply to the article of charges, subsequently, vide Government Order No. 95-PW(R&B) of 2022 dated 15.03.2022, Er. Nisar Ahmad Pandit, I/c Superintending Engineer, PW(R&B) Circle Rajouri-Poonch and Er. Harvinder Singh I/c Executive Engineer, Public Works (R&B) Division Poonch appointed as Inquiry Officer and Presenting Officer respectively.

Whereas, the Inquiry Officer vide communication No.SER/R&B/38/6031-33 dated 28.09.2022, concluded that:-

1. The work namely construction of Sub-Structure of 30m Span Steel Foot Jhullah bridge at Nandi chool was allotted to Smt. Robina W/o Sh. Khadam Hussain R/o ward NO. 02 Poonch vide E-NIT No. 113 of 2015-16 Dated. 29-01-2016 for an amount of Rs. 8.20 Lacs vide allotment No. 30756-63 dated. 14-03-2016.
2. The site had been identified by the Predecessor of Satish Bhaat well before his assuming the charge of PWD (R&B) Poonch as Executive Engineer. The work at the identified site was held up due to some forest issues on towards the north approaches side of the bridge. The work remained suspended for a long time and mean while a casualty occurred at this Nallah as a girl child drowned while crossing Nallah. This triggered great resentment against the department among the local residents. Following up that a number of meetings were held by the departmental authorities with the local representatives and District Administration. It was decided to shift the bridge to another site at dogaddar. Alternative site proposal was moved by the MLA and communication was sent to Executive Engineer PWD (R&B) Poonch vide No Nil Dated 14-01-2017.
3. Following up the Executive Engineer wrote to DDC Poonch vide No. 9164-65 dated. 21.01.2017.
4. Accordingly District Development Commissioner Poonch sought approval from Financial Commissioner of Planning and Monitoring vide letter No.DDCP/BADP/2016-17 Dated. 28.02.2017.
5. For change in site and re-approval of funds the approval stands conveyed by the Financial Commissioner vide letter No. PD/CSS/BADP/Poonch/TMPT dated. 17.03.2017, so Executive Engineer & Officials have worked with full integrity towards the department. As such it is requested that charges be dropped.
6. That Existing Contractor agreed to work at the revised site at the same rates and conditions Executive Engineer got started through the same contract, in the interest of department and thus saving Govt. exchequer also.

During execution, some change in classifications of items was observed and found necessary due to change of site. Taking cognizance of the site conditions, Executive Engineer has approved the change of classification which was site requirement.

An amount of Rs 21000/- charged for breaking of boulders in not any over charged item, Rock breakers normally charges more than Rs 2000/- per hour for the job and as such charges should be dropped.

An excess payment of Rs 13331/- as that has been made is not the domain of Executive Engineer but accounts branch. However taking cognizance of Govt. Exchequer the amount has been remitted back after recovery from the dues of the contractor vide Gr. No. 0116858 dated 21-09-2022.


18.11.22
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Whereas, the Inquiry Officer has intimated that charges leveled against Er. Satish Bhagat, then Executive Engineer, PW(R&B) Division Poonch the then Executive Engineer and be dropped.

Whereas, the instant case file referred to Development Commissioner(Works) for Technical Opinion. On return, the DC(W) opined that

"the inquiry report submitted by the inquiry officer Er. Nisar Ahmed Pandit Superintending Engineer circle Rajouri, the reply of the then Executive Engineer and the articles of charges it has been found that a work allotted on 14.03.2016 which remained held up due to forest issues, was got executed on a new site selected by the local public representatives and the Distt. Administration through the same contractor on the same rates terms & conditions. An excess payment of Rs13331/- pointed out in accounts stands recovered from the contractor. A change in classification of soil at new site is inevitable but the amount shown charged on account of use of rock breakers is not overcharged one".

Whereas, the Development Commissioner (Works) has recommended that the charges leveled against the subject officers/officials are not based on facts and as such may be dropped.

Now, therefore, in view of the above and by upholding the recommendation of Development Commissioner (Works) and approval of competent authority, charges leveled against Er. Satish Bhagat, the then Executive Engineer, PW(R&B) Department Poonch are dropped and RDA is hereby closed.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shailendra Kumar) IAS
Principal Secretary to the Government

PWD-RDA/41/2021-01-Department of PWD R&B (C.No. 25649) Dated: 18.11.2022

Copy to the:-

1. Secretary to the Government, General Administration Department. This is with the reference to his O.M GAD(Vig)114-Comp/2019 dated 26.11.2020.
2. Development Commissioner (Works), PW(R&B) Department.
3. Director, Anti Corruption Bureau, J&K.
4. Director Archives, Archaeology & Museum, J&K.
5. Chief Engineer, Public Works (R&B) Department, Jammu/Kashmir.
6. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
7. Concerned Engineer.
8. Private Secretary to Principal Secretary to the Government, Public Works (R&B) Department.
9. I/c Website.

Copy also to the:-

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

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