



सत्यमेव जयते

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

**Subject:** Initiation of RDA against against Er.Sat Paul Manhas, the then Superintending Engineer, PW(R&B) Department Jammu-Kathua Circle, Er.Suman Bhaskar Mansotra, the then Executive Engineer, PW(R&B) and Er. Purshotam Kumar Phonsa, the then Executive Engineer.

Government Order No. -125 PW(R&B) of 2023  
Dated: 27.03.2023

Whereas, the General Administration Department vide O.M No. GAD-IGORDA/12/2021-02-GAD dated: 02.06.2021, forwarded a communication No. ACB-JSC-JSK-19/2019-6426 dated: 21.04.2022 of Anti Corruption Bureau along with allied documents viz. draft Article of Charges, Statement of Imputations and Gist of Evidence and recommended initiation of RDA against the following officers:

1. Er. Sat Paul Manhas, the then Superintending Engineer, PW(R&B) Department Jammu-Kathua Circle.
2. Er.Suman Bhaskar Mansotra, the then Executive Engineer, PW(R&B) and
3. Er.Purshotam Kumar Phonsa, the then Executive Engineer.

Whereas, ACB J&K Jammu, intimated that a joint Surprise Check was conducted to look into the allegations that PW(R&B) Division Basohli District Kathua constructed a road by way of earth work from Bhoond to Nagali via Sialag. It was alleged that for 1st five kilometers, tenders were invited for the earth work and road was successfully completed in twenty seven lakhs only but for next four kilometers and 600 mtrs. no tender was invited. Allegedly the payment was drawn by manipulating the system particularly the M.Books were manipulated. It was also alleged that works were executed without following codal formalities, excess payment was made over and above the allotment amount, Charging of the slips departmentally for the same year on higher rates etc.

Whereas, instant case was received from General Administration Department on 03.06.2021, and after perusal of the Articles of Charges and records of the department, it came to fore that two delinquent officers, Er. Sat Paul Manhas and Er. Suman Baskar have attained superannuation on 30.10.2018 on 31.01.2020 respectively, therefore, both the Engineers are beyond the purview of Article 168-A of JK CSR. Henceforth, the Department decided to serve the article of charges to Er. Purshotam Kumar Phonsa, the then Executive Engineer who is still in active service.

Whereas, Er. Purshotam Kumar Phonsa was charge sheeted through concerned Chief Engineer. The accused submitted his reply to the article of charges, same was examined by the department and it was decided to conduct an inquiry into the matter.

  
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Whereas, vide Government Order No. 245-PW(R&B) of 2022 dated 29.07.2022, Er. Kishore Kumar, Superintending Engineer, PW(R&B) Udhampur-Reasi Circle Udhampur and Er. Vinod Kumar, I/c Executive Engineer, PW(R&B) Division, Kathua were appointed as Inquiry Officer and Presenting Officer respectively to conduct the enquiry into the matter.

Whereas, the Inquiry Officer vide communication No.8026 dated: 12.09.2022, submitted report which is reproduced verbatim as under:

1. "The road from Bhoond to Nagali via Sialag was sanctioned under RIDF-XIII in the year 2007-08, for a length of 10.0 KM with estimated cost of Rs. 930.40 Lacs. The work was started in year 2010-11 because the take off point was taken from PMGSY road which was also delayed. Sh. L.K.Mattoo was the Executive Engineer at that time. Further, as per details submitted by Presiding officers, the total payment made for departmental works by Executive Engineers during their tenure i.e. Sh. L.K. Mattoo Rs. 2575620/- Sh. Subash Gupta Rs. 5755950/- Sh. Purshotam Kumar Phonsa Rs. 10630143/- and Sh. Suman Bhaskar Mansotra is Rs 10969459 respectively. The above total payments also include the payment made for restoration works of this road during their tenure and was Rs. 2432075/- by Subash Gupta, Rs 3823472/- by Sh.Parshotam Kumar Phonsa and Rs. 3773280 by Sh. Suman Bhaskar Mansotra respectively.

As Sh. Purshotam Kumar Phonsa had made departmental payment of Rs. 10630143/- only out of total of Rs. 29931172/- as mentioned by ACB. As per record payment of Rs.1729312/- made to the contractor for the works already executed before joining of Sh. Purshotam Kumar Phonsa as Executive Engineer, as thus Sh. Purshotam Kumar Phonsa executed the works for Rs. 8299515/- instead of Rs. 10630143/-departmental works. It is also revealed that the departmental works on this road were carried out since inception of this scheme. Further, a similar type of complaint was register with the Vigilance Organization in 2010 wherein it was mentioned that Executive Engineer executed works departmentally without floating tender. As per the report of State Vigilance Organization(now ACB) vide No. SVO/VeriSK-16/2011 -9142 -43 dated 30.07.2013 addressed to Chief Engineer PW(R&B) Department Jammu wherein it was mentioned regarding this road also, which is reproduced as under:

"Verification further reveals that works on Bhoond to Nagali via Sailag road from Km 1 to Km 5.0 got executed through proper tendering during the month of Jan/ Feb 2011 and work from Km 6th , 7th and upto 25 mtrs of mtrs o Km 8th was carried out by Executive Engineer in association with Sh.Surinder Kumar Gupta AEE and Sh .Vijay Kumar JE departmentally without inducing competition. This portion of work has been allotted in favour of four contractor by dividing the areas of works in 10 parts @ Rs 42 Lacs as against total progress of works on SSR-2008 which comes to the tune of Rs. 45,02,460/-".





As per the record, the rate charged for similar works were same as charged in Km 6th and 7th by Sh. L.K.Mattoo as checked by state Vigilance department in their report with comparison to the prevailing rates. Therefore, there is no loss to Govt. Exchequer.

2. As regards, Sh. Purshotam Kumar Phonsa had made departmental payment of Rs. 3823472/- only out of total of Rs. 7208220/- as mentioned by ACB for clearance this road under NABARD. The rate charged for restoration works were 22% below the sanction Schedule of rate 2008. It is fact that after hill cutting in hilly roads, large numbers of slides are experienced till the hill side slope get stabilized. The removal of slides are necessary to make the road traffic worthy and also for not to suffer the progress of ongoing works. If the slides/slips are not removed the men & machinery and materials will not reach beyond these slide locations. Local inhabitants also start using these roads after earthwork and also start pressurizing the department through their representative for opening of road. Further, as per record 22 nos. of NABARD schemes with 133.0 Km length were going on in financial year 2011-12, 16 nos. with 91.0 Km length in 2012-13 & 09 nos with 38.0 Km length in 2013-14 in this hilly area where hill cutting was involved. The existing road length maintained by PWD(R&B) Division Basohli in 2012 was about 524.40 KM and goes on increasing every year. The annual maintenance funds released in financial years 2011-12 was Rs 105.2 lacs, 2012-13 Rs. 112.00 lacs and 2013-14 was Rs. 135.00/- lacs which includes Rs 50 Lacs in 2011-12, Rs 60 Lacs in 2012-13 and Rs 72 lacs in 2013-14 for repair of road crest (Bituminous works), therefore the net funds released for repair of roads except R.C. were Rs 55.20 Lacs in 2011-12, Rs 52 Lacs in 2012-13 and Rs. 63 lacs in 2013-14 respectively. Therefore, maintenance of 524.40 Km existing road length along with such large numbers of new NABARD road length in hilly region are not possible with this allocation of funds. Therefore, it is not advisable to fix responsibility for charging slips from NABARD during construction period.

A. Regarding allotment of Stage Contract for removal of slips in favour of Sh. Bharat Bushan and Deep Kumar for the financial year 2015-16 and 2016-17 and simultaneously charged slips departmentally. In this regard it is submitted that as per record stage contract for year 2015-16 was allotted in favour of Bharat Bushan for the year 2015-16 vide allotment no. 1869-76 dated 03.08.2015. As per record no such date coincided with the date of removal of slips departmentally.

B. Further, the work for restoration of Bhoond to Nagali via Sialag road by way removing of slips and opening of choked catch pits and drain from Km 1st to 10th was allotted to Sh. Deep Kumar vide allotment no 2491-98 dated 06.09.2017 for amounting to Rs 157324/- with completion time of 15 days. As per this allotment, this was one time contract for fixed amount and not the stage contract. Therefore, the allegation for charging slips during existing above two Stage contract was not as per facts.

3. As regard the responsibility for charging extra quantity charged by recording wrong measurement, it is not possible for an Executive Engineer holding such a big area division in which one cannot able to take measurements of each site of work, A

  
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Executive Engineer busy with daily official work of the division and also busy for attending meeting etc. The Executive Engineer must rely upon the field engineer staff holding responsible post for execution, quality and measurements. As per procedure Junior Engineer takes measurements and record on M.book and Assistant Executive Engineer further record 100% test check certificate. Executive Engineer checks upto 10% only. Therefore, making Executive Engineer responsible for taking and recording wrong measurement is not justified. As such the allegation on Executive Engineer for wrong measurement may be dropped.

4. As per above Charges and record available, the action against Sh. Purshotam Kumar Phonsa under rule 33/34 of J&K CCA rules 1956 are not justified.

As regard the Charges against Sh. Sat Paul Manhas then Superintending Engineer Jammu Kathua Circle Jammu & Sh.Suman Bhasakar Mansotra then Executive Engineer PWD (R&B) Basohli.


The article of charges in respect of Sh. Purshotam Kumar Phonsa is received and no charges in respect of Sh. SatPaul Manhas then Superintending Engineer Jammu Kathua Circle Jammu & Sh. Suman Bhasakar Mansotra then Executive Engineer PWD (R&B) Basohli received. Since these two Engineer have retired and their RDA may be closed in terms of Article 168-A of J&K CSR Volume-1.

As explained above, there is no loss to Govt. Exchequer in the instant case and as such the charges leveled against Sh. Purshotam Kumar Phonsa the then Executive Engineer PWD (R&B) Division Basohli are unsubstantiated and without merit and so it is recommended that charges against the officer be dropped and he be considered acquitted honorably".

Whereas, the case examined in the department and referred to Engineer in Chief (DCW) for comments in the matter. The DCW returned the file with the following comments:-

"Er.Purshotam kumar Phounsa had made payments for some works executed departmentally prior to his joining. The list of works executed departmentally by the delinquent officer comprise mostly of restoration and removal of slips/slides which was a routine practice those days. The slips /slides is common phenomenon occurring after every rainy season in freshly cut hilly terrains and continue for few years and are required to be removed immediately to avoid further damage. The rate charged for these works was 22% below SoR of 2008 causing no loss to exchequer. The inquiry officer has clarified that the dates of removal of slips do not coincide with dates of allotted contract as alleged. The road width in km 7/100 to 7/150 i.e 50 mtr length as pointed out is 4.00m to 5.00m which is not as per project. The same cannot be ascertained as of now after a period of more than six years"

Whereas, the Engineer in Chief (DCW) has recommended that charges leveled against the delinquent officer may be dropped.

  
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Whereas, the file was submitted before competent authority for final decision, the competent authority remarked that as all but one engineers have retired, we may close the RDA with warning to the one in active service i.e Er. Purshotam Kumar Phonsa.

Now, therefore, in light of the above and by upholding the recommendation of Engineer in Chief (DCW), with the prior approval of the Competent Authority, the allegations leveled against Purshotam Kumar Phonsa, the then Executive Engineer, are dropped and case is hereby closed with a warning to be careful in future and to follow the rules while dealing with the execution of the departmental matters. Similarly, the case of two delinquent officers, Er. Sat Paul Manhas, the then Superintending Engineer, PW(R&B)Circle Jammu-Kathua and Er. Suman Baskar, the then Executive Engineer are also closed in terms of Article 168-A of J&K CSR.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shailendra Kumar) IAS  
Principal Secretary to the Government

No.WD/30/2021-01-Department of PWD R&B (C.N.38566)

Dated: 27.03.2023

Copy to the:-

1. Commissioner/ Secretary to the Government, General Administration Department for information. This is with reference to his O.M.No. No.GAD- VIGORDA/ 82/2021-02- GAD dated 27.12.2021.
2. Engineer in Chief, PW(R&B) Department.
3. Director Anti Corruption Bureau, J&K, Jammu.
4. Director Archaeology & Archives, J&K Jammu.
5. Chief Engineer, R&B, Jammu/Kashmir.
6. Concerned.
7. Private Secretary to Principal Secretary to the Government, Public Works (R&B) Department.
8. I/c Website, PWD Government Order file/Stock file.

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

  
(Dr.Zeba Suleman) JKAS

Under Secretary to the Government

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