



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

Subject: Initiation of RDA against Sh.Mohamad Ashraf Dar then JE, R&B Division, Baramulla, Shri Muneer Ahmad Sherewani then AEE posted in J&K Forest Corporation, Shri Shadi Lal Bhat then, S.E R&B Circle Baramulla, Shri Ab.Qayoom Khan then Head Draftsman, and Shri Wali Mohd Dar, then Executive Engineer, R&B division, Baramulla.

Government Order No: 146 PW(R&B) of 2021  
Dated: 19.04.2021

Whereas, the General Administration Department vide O.M.No.GAD(Vig)303-RDA/2012 dated 22.11.2012, has forwarded communication No.SVO-Veri-BK-05/2010-12903-03 dated 24.09.2012 alongwith other papers of Vigilance Organization (now ACB) with the request to initiate Regular Departmental Action against the above officers/officials for misuse of their official position in terms of J&K CS(CCA) Rules,1956 on the grounds that construction of road from Wagoora to Takia Wagoor in R&B Division Baramulla have been executed on exorbitant rates.

Whereas, the State Vigilance Organization (now ACB) has conducted inter-alia into the allegations of construction of road from Wagoora to Takia Wagoora on exorbitant rates in R&B Division Baramulla revealed that the then Superintending Engineer, R&B Circle, Baramulla vide his allotment No.5187-88 dated 19.09.2008 has shown allotted work of construction of road from Khaitangan to Wagoora via Gousia colony upto H/S Wagoora with allied links at Khaitangan BWO (i) E/Work in cutting (agg length 1/24 Kms), (ii) P/L of WBM Grade-I (iii) Construction of R/Walls and laying of RCC Spun Pipes at an allotted cost of Rs.39,99,199/- in favour of Mr. Nazir Ahmed Bhat S/o Habibullah Bhat R/o Khaitangan. During verification/spot inspection the rates charged by the officers/official of concerned Division were found exorbitant to the tune of Rs.2,32,879.

Whereas, as per records available, the article of charges/statement of imputations were not served against the following officers/officials as these have been superannuated when case was received from the General Administration Department and were beyond the purview of RDA under Article 168-A of CSR:-

S.No.	Name of the Officer/Official with designation	Date of Retirement
1.	Er.Shadi Lal Bhat then Superintending Engineer R&B Circle Baramulla	30.06.2011
2.	Er.Wali Mohd Dar, then Executive Engineer, R&B Division, Baramulla.	30.06.2012
3.	Mr.Ab.Qayoom Khan then Head Draftsman	28.02.2014(as per 1 <sup>st</sup> page of his service book)

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Whereas, the Article of Charges/Statement of Imputation was served to the following two accused officers/officials through Chief Engineer, PW(R&B) Department, Kashmir vide letter No. PW(R&B) HRM/27/2012-Vig:-

1. Er.Muneer Ahmad Sheerwani, I/c AEE R&B Division Magam and
2. Er. Mohd Ashraf Dar, Junior Engineer R&B Division Baramulla.

Whereas, both engineers have submitted their reply to the article of charges and vide Government Order No.457-PW(R&B) of 2014 dated 15.12.2014, Er. Majid Khan, I/c Superintending Engineer, R&B Circle Kupwara-Baramulla and Executive Engineer, R&B Division Baramulla were appointed as Inquiry Officer and Presenting Officer respectively to enquire into the matter.

Whereas, the Inquiry Officer vide Communication No.14639 dated 26.02.2015 reported that during the course of deliberations the AEE/JE concerned reported that the area where the work has been executed was covered by orchards and the labour in the vicinity were being paid higher wages. Similarly in case of the machinery transport involving loading/unloading, watch & ward and other carriage and fuel charges were on higher side in the area. Further, tendering and codal procedure has been followed while allotting the contract by competent authority. From the deliberations as made during the course of the enquiry and in view of the "Analysis of rates" and different allotments presented as an evidence, the estimated /allotted rates in the instant case do not seem exorbitant.

Whereas, the Secretary (Technical) has also endorsed that the findings of the Inquiry Officer with regard to rate analysis are reasonable and acceptable.

Whereas, the case file also referred to the DC(W) for comments in the matter. The Development Commissioner (Works) has furnished his comments as:-

*"From the perusal of records, the work, "Construction of road from Khaitangan to Wagoora via Gousia Colony upto H/S Wagoora with allied links at Khaitangan, Baramulla, stands tendered out by the Executive Engineer, R&B Division, Baramulla vide Tender Notice No. 46 of 2008-09/ 4605-21 dated 09-07-2008. The LI had submitted his bid for Rs. 50,64,648.0 (including the cost of pipes), against advertised cost of Rs. 39,50,000.0. Since the rates quoted were on higher side, the agency (L1) was called for negotiations who later agreed to execute the work for an amount of Rs. 39,99,199.0 (including cost of pipes) and accordingly the allotment for work was issued by the Superintending Engineer, R&B Circle Baramulla vide No. 5187-88, dated 19-09-2008 for an amount of Rs. 39,99.199.0.*

*It is worthwhile to mention that as per norms, the AEE and JE are mandated for execution of work as per allotment and specifications. These officials are not responsible for allotment of rates. The allotment for work stands issued by Superintending Engineer, R&B Circle Baramulla, at the negotiated rates for which the Executive Engineer, R&B Division, Baramulla, has given justification by providing analysis of rates and also references of*

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*rates in vogue in the vicinity. The same have been endorsed by the Inquiry Officer, i.e., Superintending Engineer, R&B Circle, Baramulla-Kupwara".*

The Development Commissioner (W) has recommended that the proceedings against the delinquent officials may be dropped, since there is no codal violation on their

Now, therefore, in view of the position given above and by upholding the recommendations of Development Commissioner, the allegations levelled against Sh.Mohamad Ashraf Dar then JE, R&B Division, Baramulla, Shri Muneer Ahmad Sherewani then AEE posted in J&K Forest Corporation are dropped having no role in allotment of work and fixation of rates and case is hereby closed. Both the concerned officers/officials are warned to remain vigilant and cautious in future while performing official duties. However, the case in respect of following Engineers are hereby closed in terms of Rule 168-A of Jammu and Kashmir Civil Services Regulations (J&K CSR) in favour of the following Engineers:-

1. Er.Shadi Lal Bhat then Superintending Engineer R&B Circle Baramulla, and
2. Er.Wali Mohd Dar, then Executive Engineer, R&B Division, Baramulla.

However, case in respect of Mr.Abdul Qayoom, Head Draftsman shall be settled separately.

By order of the Government of Jammu and Kashmir

Sd/-  
(Shailendra Kumar) IAS  
Principal Secretary to the Government  
Dated: 19.04.2021

No. PW(R&B) HRM/27/2012-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)303-RDA/2012 dated 22.11.2012.
3. Development Commissioner (Works), PW(R&B) Department, J&K Jammu.
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 officers/officials.
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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