



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

Subject: Initiation of RDA against Er.Joginder Lal, Er.Tarsem Lal, the then DGMs Housing Board, Jammu and Er.Bashir Ahmad Bhat, Er.G.H.Khanday the then DGMS Housing Board, Srinagar.

Ref. O.M.No.HUD/BH-Trf/06/2014-II dated 21.08.2017 from Housing & Urban Development Department.

Government Order No. 14 -PW(R&B) of 2022

Dated: 14.01.2022

Whereas, the Housing and Urban Development Department vide OM No.HUD/ HB / 06/ 2014-II dated 12.11.2016, has forwarded the draft article of charges, statement of imputations and other relevant papers with the request to take action against the following delinquent Engineers in terms of Rule 33 of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 as these officers have not followed the requisite codal formalities for execution of works for up-gradation, upkeep of Civic facilities, construction of community halls etc :-

1. Joginder Lal, the then DGM Housing Board, Jammu.
2. Tarsem Lal, the then DGM Housing Board, Jammu.
3. Bashir Ahmad, the then DGM Housing Board, Srinagar.
4. G.H.Khanday, the then DGM Housing Board, Srinagar.

Whereas, the H&UD Department has intimated that an enquiry was conducted in the matter and committee reported that that these works were executed in the areas falling outside the limits of Housing Colonies developed /maintained by the J&K Housing Board and without any budgetary provisions for such works.

Whereas, the case of the accused engineers was examined in the Department and the Article of Charges were served to the concerned engineers through the concerned HoDs. The delinquent officers submitted their replies to the Article of charges to this department.

Whereas, the replies submitted by the accused were examined in the department and vide Government Order No. Order No.62-PW(R&B) of 2021 dated 05.02.2021, Er. Sami Arif Yasvi, DCW and Er. Firdous Ahmad Qazi, I/c Executive Engineer, J&K Housing

Board were appointed as Inquiry Officer and Presenting Officer respectively to enquire into the matter and furnish their report to the Administrative Department.

Whereas, the Inquiry Officer vide communication No.PW/DCW/PS/838/21 dated 02.06.2021, submitted the inquiry report which is reproduced here as under:-

The DGMs in their replies have pleaded to have done nothing contrary to the rules and mechanism of JK Housing Board and have maintained absolute honesty and integrity while executing the works in the organization. The DPRs for works of up gradation/up keep of civic facilities were submitted by respective DGMs and executed the same within the funds released against each head of accounts as mentioned in the approved release orders against each head. The records reveal that these works were proposed to Administrative Department vide letter No HB/29-18 Dated 4-10-2013 by the Chairman JK Housing Board, Hon'ble Minister for Housing and Urban Development, Horticulture and Culture of the then J&K State. This has also been recorded in the reply of State Vigilance Organization submitted against the PIL in this regard.

Regarding construction of Dwelling units under EWS sector, records reveal that this was the centrally sponsored scheme RAY (Rajiv Awas Yojna) for development of infrastructure and construction/ repairing dwelling units in slums and in slum like areas under Rajiv Awas Yojna (RAY Scheme) and Managing Director J&K Housing Board was designated as Nodal Officer of this scheme vide Govt. Order No. 209 -HUD of 2010 dated 10/03/ 2010. A detailed survey of such slums was carried out through IPE Global agencies New Delhi, as ordered by Managing Director J&K HB who was the designated Nodal agency and the DPRs were accordingly submitted by respective DGMs. An instant of the same has been brought on record vide DGM unit 1st Jammu letter No HU-1/CH / 1288-89 Dated 04/12/ 2013. The said DPR's were submitted to the MD J&K HB accordingly and the then Managing Director J&K HB discussed the issue of taking up the scheme with the various Hon'ble public representatives (Hon'ble MLAs) who after discussing the project with the MD J&K HB, furnished the list of beneficiaries identified by them within their constituencies. The announcement of launching the said scheme was also made public both in print and electronic media by the then Chairman JK Housing Board. This makes it clear that there has been no role of the DGMs in identifying the beneficiaries in this regard. The then MD J&K Housing Board released funds through his Financial Advisor/ CAO under EWS sector in favour of these DGMs, and works have been executed by these DGMs under EWS within the released funds. The photographic evidences of the functions of handing over the schemes to the beneficiaries reveal that the works have been executed on ground.

Further as revealed from the records made available, the Managing Director of J&K Housing Board vide his letter No. HB / 796 Dated 8-5-2013 (as mentioned in the letter No. HB/ 2948 Dated 4-10-2013) has submitted a revised draft plan for development of Housing colonies for the years 2013-14 to the Administrative Department. The Administrative Department vide letter No. HUD/PLAN/19 / 213 Dated 23-07-2013 directed Housing Board for phasing the proposal for two to three years against which

draft plan was submitted vide No HB/ 2747-49 Dated 26-09-2013. The record reveals that these works have been found confirmed by the Chairman (Hon'ble Minister for Housing and Urban Development) vide his approval No. HB/ 3136 Dated 22-8-2014 and released an amount of 900.00 lacs through the Administrative Department vide their Order No. 17 HUD of 2012 Dated 10-01-2012 , 46 HUD of 2012 Dated 1-3-2012 , 129 - HUD of 2013 Dated 28-3-2013 , 01 HUD of 2015 Dated 2-1-2015 MD J&K HB letter 97 HUD of 2015 Dated 26-3-2015 , 113 HUD of 2015 Dated 31-3-2015 , 63 HUD of 2016 Dated 29-2-2016 & 108 HUD of 2016 Dated 22-3-2016.

In case of Er. Bashir Ahmad Bhat, the then DGM Housing Board Srinagar, during the perusal of records, it is found that the DGM has not undertaken execution of works of up-gradation / upkeep of civil facilities and construction of community halls falling outside the limits of Housing Board. Further, the allegation of construction of any Community Halls/dwelling units of weaker sections of society is not based on facts. The Housing Board in response to RTI sought by the DGM and the reply furnished by PIO of the Housing Board vide No. HB/ 401-402 dated 19-04-2018 has also endorsed that No works for up gradation/ upkeep of civic facilities and construction of community halls have been executed by JK Housing Board Unit 1" Srinagar and also no funds have been released to the DGM for construction of dwelling units of weaker sections of the society.

State vigilance organization has also nullified the claim that the Board has executed the works without budgetary provisions. The same is authenticated in its report submitted before the Hon'ble High Court. The statement given by Vigilance Organization is reproduced here under:-

"The record reveals that the following funds have been released by the Government to J&K Housing Board from time to time for up-gradation of Civil facilities:

1. Vide Government Order No. 17/HUD of 2012 dated 01.10.2012, Rs.100 lacs.
2. Vide Government Order No, 16/ 2012 dated 01.03.2012, Rs.200 lacs.
3. Vide Government Order No.129-HUD of 2013 dated 28.03.2013, Rs.200 lacs.

Therefore the observation that the Board has executed the works without budgetary provisions is entirely not based on the fact. As per the work proposal submitted to Administrative Department vide letter No. HB-2948 by Chairman J&K Housing Board (Hon'ble Minister for Housing, Horticulture and Culture, J&K), funds of Rs 234.09 lacs were available with the board,". The report further reads "that in light of the facts which surfaced during verification as enumerated above, nothing that has surfaced from that inquiry report of the committee hints at or discloses any of that fall within the offenses that the State Vigilance Organization is empowered to investigate, therefore in absence of an offense within its Jurisdiction to investigate, no FIR could have been registered".

The replies submitted by the concerned DGMs, the report of the State Vigilance Organization and the Clause 10, 12 and 13, of JK Housing Board Act 1976 , where



under the Authentication of orders and Instruments of the Board, execution of contracts and delegation of Board's power to sanction contract lies with the Managing Director. It is also pertinent to mention that the funds have been released by the Higher Authorities from time to time against the works, thereby, authenticating the Executive Engineers to go for the execution of the said works and it is recommended to drop the allegations against Er. Joginder Lal, Er. Tarseem Lal, the then DGMs Housing Board Jammu, Er Bashir Ahmad Bhat and Er G.H Khanday, the then DGMs Housing Board Srinagar."

Now, therefore, in view of the above given position and by upholding the recommendation of Development Commissioner Works (I.O) and with the approval of the competent authority, the allegations leveled against Er. Joginder Lal, Er. Tarseem Lal, the then DGMs Housing Board Jammu and Er Bashir Ahmad Bhat, Er G.H Khanday, the then DGMs Housing Board Srinagar are dropped and Regular Departmental Action is hereby closed.

By order of the Government of Jammu & Kashmir.

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

No. PWD-HRM1/20/2021-05-Department of PWD R&B

Dated: 14 .01. 2022

Copy to the:-

1. Principal / Secretary to the Government, Housing and Urban Development Department.
2. Director, Anti Corruption Bureau, J&K, Jammu.
3. Chief Engineer, PW(R&B) Department, Jammu/Kashmir.
4. Private Secretary to Principal Secretary to the Government, PW (R&B) Department.
5. Government Order file/Stock file/Monday Return.

Copy also to the:

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


(Dr. Zeba Suleman)

Under Secretary to the Government

