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

Subject: Initiation of RDA against (1) Sh. Sheikh Basharat Hussain, the then Executive Engineer, (2) Sh. Munir Ahmad Sheerwani, the then Assistant Executive Engineer, (3) Gurmeet Singh, the then Assistant Executive Engineer (4) Sh. Ghulam-ud-Din Wani, the then Junior Engineer (5) Sh. Nisar Ahmad Khan, the then Junior Engineer, (6) Sh. Mushtaq-ul-Rehman, the then Junior Engineer (7) Sh. Yasir Rashid, the then Junior Engineer (8) Sh. Khursheed Ahmad Shah, the then Junior Engineer, (9) Sh. Abhek Pandita, the then Junior Engineer, PW(R&B), Division, Baramulla (**JSC-BKB-15/2020**).

Reference: O.M.No.GAD(Vig)78-RDA/2020 dated 03.02.2021 from GAD.

Government order No: 16 PW(R&B) of 2023
Dated: 06.01.2023

Whereas, the General Administration Department vide O.M No. GAD(Vig)78- RDA/2020 dated 03.02.2021, forwarded a communication No. ACB-JSC-BKB- 15/2020-18299-01 dated: 08.12.2020, of Anti Corruption Bureau alongwith draft articles of charges, statement of imputation and gist of evidence for initiation of RDA against the following officers/officials of PW(R&B) Division, Baramulla in terms of J&K Civil Services (Classification Control & Appeal) Rules, 1956 for sub-standard material in Macadamization of Ladoora-Juhama Road and inner Links of Sherwani Colony Khwaja Bagh Baramulla, in violation of norms and procedures:-

1. Er. Sheikh Basharat Hussain, the then Executive Engineer.
2. Er. Munir Ahmad Sheerwani, the then Assistant Executive Engineer.
3. Er. Gurmeet Singh, the then Assistant Executive Engineer.
4. Er. Ghulam-ud-Din Wani, the then Junior Engineer.
5. Er. Nisar Ahmad Khan, the then Junior Engineer.
6. Er. Mushtaq-ul-Rehman, the then Junior Engineer.
7. Er. Yasir Rashid, the then Junior Engineer.
8. Er. Khursheed Ahmad Shah, the then Junior Engineer.
9. Er. Abhek Pandita, the then Junior Engineer.

Whereas, the Anti-Corruption Bureau vide communication No. ACB-JSC-BKB- 15/2020-18299-01 dated: 08.12.2020, alleged that the delinquent officer/official used sub-standard material in Macadamization of Ladoora-Juhama Road and inner Links of Sherwani Colony Khawaja Bagh Baramulla. It was also alleged that their non adherence to codal formalities and lack of supervision resulted in use of substandard material in the execution of work, even the samples of macadam collected during spot verification has lesser Bitumen then minimum requirements.

Whereas, vide this Department's letter No.PW(R&B) HRM/08/2021-Vig dated: 18.02.2021, Article of charges were served to the accused engineers through the Chief Engineer, Public

06.01.2023

Works(R&B) Department, Kashmir. The delinquent officers/officials submitted replies to article of charges to this department.

Whereas, the case was examined in the Department and decided to conduct an enquiry by appointing Inquiry Officer and Presenting Officer into the matter.

Whereas, vide Government Order No. 152-PW(R&B) of 2021 dated 27.04.2021, Er.Tanveer Mir, I/c SE, PW(R&B) Circle Ganderbal (Now Chief Engineer) and Er.Muzaffar Ahmad Jan, I/c Executive Engineer, R&B Division, Baramulla were appointed as Inquiry Officer and Presenting Officer respectively to conduct inquiry into the matter.

Whereas, the Inquiry Officer submitted report vide letter No.ERA/DK/17/151-54 dated 27.05.2021 and concluded and submitted as under:-

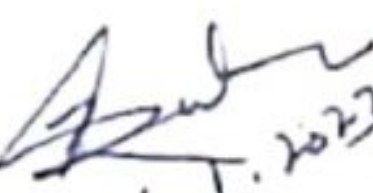

"upon initiation of inquiry into the allegations as per above subject and references, a detailed study alongwith site visit was conducted by him(I.O) and came to the conclusion that the field staff was not careless or negligent about their duties. The testing of bitumen at site was conducted during work execution as well. However, the testing procedure being a weight loss method (bitumen content is calculated by dissolving bitumen and extracting the solvent and calculating the weight lost after extraction). This is not a very accurate method but this is the only test available with the staff of R&B, PWD. In addition, the general public and the media especially need to be sensitized about the fact that once a flexible pavement is developed, it needs to be maintained by way of patches only. The patching is done by wet mix for potholes more than 75 mm deep and by way of 50 mm BM for potholes less than 75mm deep and these are covered by 25 mm semi-dense and 6mm seal. The general public intends to have a full coat of all the three layers every time a tender is allotted which is neither technically required nor financially viable. These misunderstandings alongwith inability of fields supervisory staff to make the general public understand led to the allegations. As such, it is requested that the allegations may kindly be dropped and the officials given a chance to prove their dedication towards their duties.

Whereas the case was examined in the department and forwarded to the Development Commissioner (W) for expert comments in the matter, while returning the case, among other things, the Development Commissioner (W) remarked as under:

"that a joint surprise quality checks were made by ACB on 01.09.2020 for following two roads of Baramulla Division:-

1. Kanispora –Juhama Road.
2. Sherwani Colony inner links.


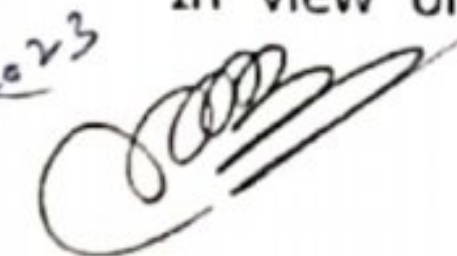
The tar content test as conducted by ACB reveals tar content of 4.6% for Kanispora –Juhama road and Accordingly the Inquiry officer was directed to re-examine the report and submit the same along with recommendation specific to work and findings of ACB. Inquiry Officer vide No. ERA/DK/17/708-711 Dated: 06-


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08.2021 submitted the report, specific to the work inspected by ACB 4.5% for Sherwani Colony inner links. The tar content prescribed for SDBC as per MORTH & allotment of work is 5%. The ACB has also stated that the gradation of aggregates was found out of range. The enquiry report as received from the Inquiry officer was not found specific towards observations/findings raised by ACB during their surprise check. Accordingly, the Inquiry officer was directed to re-examine the report and submit the same along with recommendation specific to work and findings of ACB. Inquiry Officer vide No.ERA/DK/17/708-711 Dated:06-08.2021 submitted the report, specific to the work inspected by ACB. Inquiry Officer has stated that ACB has not collected the samples, layer-wise, with the result Bituminous Macadam (BM) sample got mixed with the semi dense sample and the results came in between the two. The Tar content and gradation of said works was further got examined by both NIT and RR&MT lab by the department, who took the samples in proper procedure through their qualified team. The test report as given by NIT and RR&MT labs have been found satisfactory both in respect of tar content and gradation of aggregates. The above observations stand also communicated by Chief Engineer PW(R&B) Kashmir in his report forwarded vide No. CE/RBK/WS/22102 dated 21.12.2020. The tar content results given by NIT and RR&MT lab for Kanispora-Juhama road and for Sherwani Colony inner links are given below:-

S. No.	Name of Road	Tar content (BM)			Tar content (SDBC)			Remarks
		NIT	RR&MT Lab	Prescribed range as per allotment of work/Morth Specifications	NIT	RR&MT Lab	Prescribed range as per allotment of work/Morth Specifications	
1.	Kanispora-Juhama road	3.40	-	3.3%	5.25	5.19	5%	No. of samples taken by NIT for BM=1 & for SDBC=1 No. of samples taken by RR&MT lab for BM=2 and for SDBC=5
2.	Sherwani Colony inner links	3.55	3.37		5.30	5.13		

The above results are within prescribed range and gradation of aggregates has also been found corresponding to prescribed limits. The technical sanction stands accorded by the Executive Engineer for the said works, however after the spot inspection of ACB. In this connection, it is advised that the executing agency should complete all codal formalities well before E- tendering process /execution. In view of the above mentioned facts and recommendations of the enquiry


06.01.2023


Officer, the DCW has recommended that the allegations leveled against the officers/officials may be dropped."

Whereas, the case was submitted to competent authority for final decision in the matter, the competent authority returned the case for re-examination of the case. The case was again sent to the DC(W) for re examination and who after re-examination he reported as under:

"Pursuant to the directions this office vide No.PW/DCW/DB/5769-70 dated 31.05.2022 has sought clarification from Chief Engineer (R&B), Kashmir regarding physical condition/status of both these roads after joint surprise check by ACB on 1.09.2020 till date & repairing work if any done after joint surprise check by ACB on 11.09.2020 till date. Chief Engineer (R&B), Kashmir vide his No. CE/RBK/ADM/5569-70 dated: 31.05.2022 has endorsed the report furnished by Superintending Engineer PWD(R&B) Circle Baramulla/Kupwara vide NO.2093 dated 06.06.2022 stating that the Executive Engineer visited the two sites namely.

1. Johama Kanispora Road.
2. Inner Links of Sheerwani Colony Khawaja Bagh.

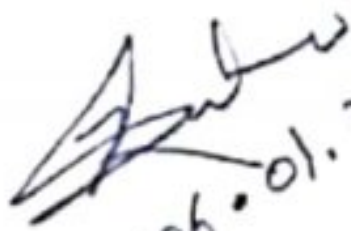
Both roads are in good condition and no repair work on the roads required to be carried by the Department after the visit of ACB, as on date 01.09.2020 till date, as reported by the concerned Executive Engineer, the Geo tagged photograph's are appended with report". The Executive Engineer, R&B Division Baramulla has endorsed the report to Superintending Engineer PWD(R&B) Circle Baramulla/ Kupwara vide No.2102 dated 03.06.2022 is also explicit "stating that both roads are in fairly good condition and riding surface is without any visible potholes or ruts or any sort of deterioration. Further, there is no evidence on record which could indicates that any repair work has been done post spot visit / checks by ACB on 01.09.2020. The DCW has recommended that the allegations levelled against the offices/officials may be dropped."

Whereas, the DCW again recommended for upholding the recommendations of Inquiry Officer and dropping of charges against the accused engineers.

Whereas, the case was again submitted to the Competent Authority for its decision and who conveyed his approval to close the case as not proved, but to convey warnings to the engineers to be cautious in future.

Now, therefore, in view of the above and by upholding the recommendation of Inquiry Officer and Development Commissioner (Works), with the approval of the Competent authority the allegations leveled against the following Engineers of PW(R&B) Division, Baramulla are dropped as not proved and case is hereby closed with warning to remain cautious and careful in future:-

1. Er.Sheikh Basharat Hussain, the then Executive Engineer.
2. Er. Munir Ahmad Sheerwani, the then Assistant Executive Engineer.
3. Er. Gurmeet Singh, the then Assistant Executive Engineer.
4. Er. Ghulam-ud-Din Wani, the then Junior Engineer.
5. Er. Nisar Ahmad Khan, the then Junior Engineer.


06.01.2023



6. Er. Mushtaq-ul-Rehman, the then Junior Engineer.
7. Er. Yasir Rashid, the then Junior Engineer
8. Er. Khursheed Ahmad Shah, the then Junior Engineer.
9. Er. Abhek Pandita, the then Junior Engineer.

By order of the Government of Jammu and Kashmir.

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

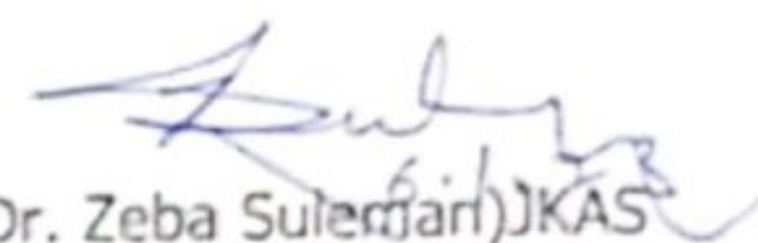
No. PWD-RDA/28/2021-01-Department of PWD R&B(C.No.22833)

Dated: 6 .01.2023

Copy to the:-

1. Secretary to the Government, General Administration Department. This is with the reference to his O.M No. GAD(Vig)78-RDA/2020 dated 03.02.2021.
2. Development Commissioner (Works), PW(R&B) Department.
3. Director, Anti Corruption Bureau, J&K.
4. Director Archaeology & Archives, J&K.
5. Chief Engineer, PW(R&B) Department, Jammu/Kashmir.
6. Private Secretary to Principal Secretary to Government, Public Works (R&B) Department.
7. I/c Website.
8. Government Order file/Stock file.

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


(Dr. Zeba Suleman) J&KAS
Under Secretary to the Government

