

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

Subject:- Initiation of Regular Departmental Action(RDA) against (1) Er. Jagdish Kumar, the then Assistant Executive Engineer, PMGSY Division, Doda and (2) Er. Mohd Farooq, the then Junior Engineer, PMGSY Doda (Veri. No. UDKR-04/2019).

Government Order No. 203PW(R&B) of 2024
Dated: 25.07.2024

WHEREAS, the General Administration Department, vide O.M No.GAD-VIGORDA/108/2021-02-GAD dated 22.11.2021, while forwarding communication No.ACB/Veri-UDKR -04/2019-18095-97 dated 12.08.2021 from Anti-Corruption Bureau J&K, advised this Department for initiation of Regular Departmental Action against The public servants mentioned in the subject, in terms of the Jammu & Kashmir Civil Services (Classification, Control & Appeal) Rules, 1956 and instructions issued Vide Circular No.24-JKGAD of 2021 dated 17-07-2021;

AND WHEREAS, the case was examined in the Department and Memorandum, containing Article of Charges and Statement of Imputations in support of the Charges were served on these officers for seeking their replies to the Charges;

AND WHEREAS, the replies submitted by these officers have been examined in the Department and it has been decided to appoint an Inquiry Officer to enquire into the Charges vis-à-vis replies submitted by these officers.

Now, therefore, in terms of sub-rule (4) of Rule 33 of the Jammu & Kashmir Civil Services (Classification, Control & Appeal) Rules, 1956, Er. Romesh Kumar, In-Charge Superintending Engineer, Public Works(R&B) Circle Reasi, is hereby appointed as Inquiry Officer to enquire into the Charges framed against the officers mentioned in the subject. Besides, Er. Bikram Singh In-charge Executive Engineer, PMGSY Division, Doda, shall be the Presenting Officer in the case.

The Inquiry Officer shall conduct a detailed inquiry into the matter and shall submit his report/findings with specific recommendations to the Administrative Department within a period of **15 days** from the date of issuance of this Order.

Any modification in posting or otherwise shall not debar the Inquiry Officer and the Presenting Officer in performing their duties as assigned vide this Order.

By order of the Government of Jammu and Kashmir

Sd/-
(Bhupinder Kumar) IAS
Secretary to the Government

Encls: 08 pages

No. PWD-HRM1/158/2021-05- (C.No. 90374)

Dated :- 25.07.2024

Copy to the:-

1. Principal Secretary to the Lieutenant Governor.
2. Commissioners/ Secretary to the Government, General Administration Department.
3. Joint Secretary (Jammu, Kashmir and Ladakh), Ministry of Home Affairs, Gol, New Delhi.
4. Director Anti Corruption Bureau, J&K, Srinagar.
5. Er. Romesh Kumar, In-charge Superintending Engineer, PW(R&B) Circle Reasi. The copy of memorandum along with Article of charges/statement of Imputations and other allied documents are also enclosed herewith for perusal and further action.
6. Er. Bikram Singh In-charge Executive Engineer, PMGSY Division, Doda. The copy of memorandum along with Article of Charges/ Statement of Imputations and other allied documents are enclosed herewith for perusal and further action.
7. Private Secretary to Secretary to the Government, Public Works (R&B) Department.
8. Government Order file/Stock file/Monday Returns File.

(Namrita Bhan)JKAS

Under Secretary to the Government
Public works (R&B) Department

Namrita Bhan
25.07.20.24

(R&B)

Articles of Charges

Annexure-I

The following articles of charges are hereby served upon you (Er. Jagdish Raj):-

Whereas, during your posting as Assistant Executive Engineer in PMGSY Sub-Division Assar, District Doda during the year 2019-2020, a road was being constructed and damage to trees in the 34/M compartment was done by the contractor M/S Rattan Chand & Sons. Since the said work was being executed under your supervision, you didn't alert the concerned contractor to carry out the work carefully and for avoiding the damage to the forest prior to the said damage was caused.

Whereas, you could not produce any supporting document, that the contractor executing the work was instructed from time to time to take extra precautions in order to avoid any loss to the green gold except the conditions mentioned in the contract.

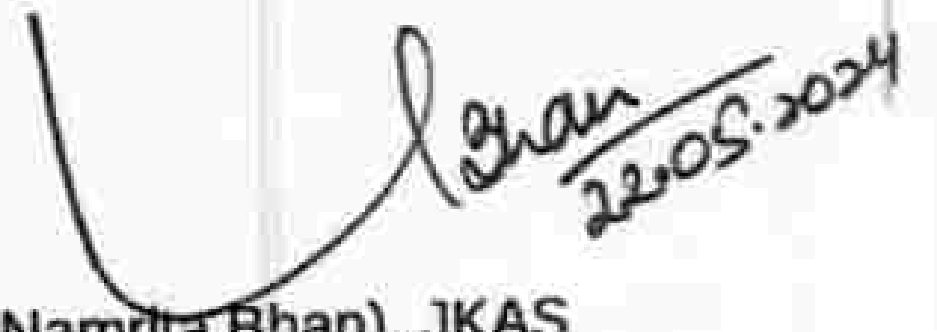
Whereas, if the topography of the said area was a vertical cliff, the matter should have been brought into notice of the senior officers in writing, as there was every apprehension of danger to trees while excavating the hard, vertical rock, which you failed to do .

Whereas, since the matter was not brought into the notice of the senior officers of your Department and consequently the Forest Department was not intimated prior to construction in the said area, no officials from the PMGSY or the Forest Department were present on the spot, or could explore any new possibility in reducing the damage.

Whereas, you allowed the said contractor to keep excavating and building the road causing more and more damage while you could have stopped him well in time and the damage to the forest trees and land would not have been caused.

Whereas, by acting in the aforesaid manner, you have failed to maintain absolute integrity in the discharge of your official duties, which is unbecoming of a public servant and as such you are liable for departmental action as envisaged in Rule. 33/34 of J&K Civil Services (Classification, Conduct and Appeal) Rules, 1956.

Now, therefore, you are hereby called upon to furnish your reply /written statement viz-a—viz the aforementioned Articles of Charges within a period of 21 days from the date of issuance of the memorandum, failing which it shall be presumed that you have nothing to say in your defense and further proceedings shall follow.


22.05.2024

(Namrita Bhan), JKAS
Under Secretary to the Government

Er. Jagdish Kumar,
the then Assistant Executive Engineer
PMGSY Doda, Sub-Division Assar, Doda District.
(Now posted in Chief Town Planner Office, Jammu)

Articles of Charge

Annexure-I

The following Articles of Charges are hereby served upon you (Er. Mohd. Farooq):-

Whereas, you were posted as Junior Engineer in PMGSY Sub-Division Assar, District Doda during the year 2019-2020. While a road was being constructed, damage to trees in the 34/M compartment was done by the contractor M/S Rattan Chand & Sons and since the said work was being executed under your supervision, you didn't alert the concerned contractor to carry out the work carefully and for avoiding the damage to the forest prior to the said damage was caused.

Whereas, you could not produce any supporting document that, the contractor namely M/s Rattan Chand and Sons, executing the work, was instructed from time to time to take extra precautions in order to avoid any loss to the green gold except the conditions mentioned in the contract.

Whereas, if the topography of the said area was a vertical cliff, the matter should have been brought into notice of the senior officers in writing, as there was every apprehension of danger to trees while excavating the hard, vertical rock.

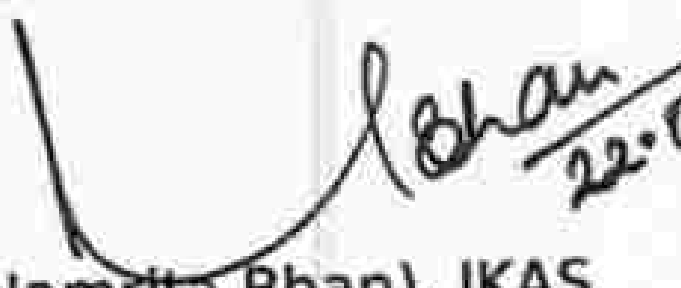
Whereas, since the matter was not brought into the notice of the senior officers of your Department and consequently the forest Department was not intimated prior to construction in the said area, no officials from the PMGSY or the Forest Department were present on the spot or could explore any new possibility in reducing the damage.

Whereas, you allowed the said contractor to keep excavating and building the road causing more and more damage while you could have stopped him and the damage to the forest trees and land would not have been caused.

Whereas, by acting in the aforesaid manner, you have failed to maintain absolute integrity in the discharge of your official duties which is unbecoming of a public servant and as such you are liable for

departmental action as envisaged in rule No. 33/34 of the Jammu and Kashmir Civil Services (Classification, Conduct and Appeal) Rules, 1956.

Now, therefore, you are hereby called upon to furnish your reply /written statement viz-a—viz the aforementioned Articles of Charges within a period of 21 days from the date of issuance of this memorandum, failing which it shall be presumed that you have nothing to say in your defense and further proceedings shall follow.


22.05.2024

(Namrita Bhan), JKAS
Under Secretary to the Government.

Er. Mohd Farooq,
the then Junior Engineer
PMGSY Sub Division, Assar Doda.
(Retired from PMGSY Division Ramban on 31-03-2024)

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

Computer No: 90374
PWD-HRM1/158/2021-05-Department of PWD R&B
Dated:-22-05-2024

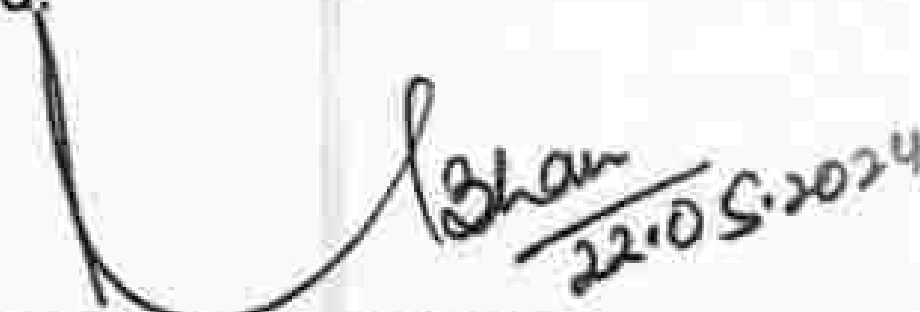
Memorandum

The Government proposes to hold an enquiry against you, in your capacity as the then Incharge Assistant Executive Engineer, PMGSY Division, Doda. The substance of the imputation of misconduct in respect of which enquiry is proposed to be held is set out in the enclosed statement of Articles of charges as Annexure-I. A statement of imputations in support of these charges is also enclosed as Annexure-II.

You, in your capacity as the then Assistant Executive Engineer, PMGSY Division, Doda are required to submit your reply within 21 days from the date of issuance of this memorandum, a written statement of defense and also to state whether you desire to be heard in person.

You are further informed that if you do not submit your written statement of defense on or before the date specified above, further action as warranted under rules shall follow, ex-parte.

The receipt of this memorandum may be acknowledged.


(Namrita Bhan), JKAS
Under Secretary to the Government

Er. Jagdish Kumar,
the then Assistant Executive Engineer
PMGSY Doda, Sub-Division Assar, Doda.
(Now posted in Chief Town Planner Office, Jammu)

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

PWD-HRM1/158/2021-05-Department of PWD R&B
Computer No: 90374
Dated: 22.05.2024

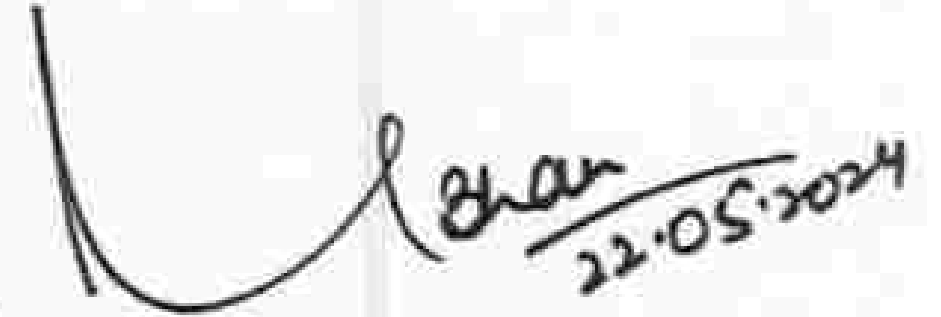
Memorandum

The Government proposes to hold an enquiry against you, in your capacity as the then Junior Engineer, PMGSY Division, Doda. The substance of the imputation of misconduct in respect of which enquiry is proposed to be held is set out in the enclosed statement of Articles of charges as Annexure-I. A statement of imputations in support of these charges is also enclosed as Annexure-II.

You, in your capacity as the then Junior Engineer in PMGSY Sub Division Assar, PMGSY Division, Doda are required to submit your reply within 21 days from the date of issuance of this memorandum, a written statement of defense and also to state whether you desire to be heard in person.

You are further informed that if you do not submit your written statement of defense on or before the date specified above, further action as warranted under rules shall follow, ex-parte.

The receipt of this memorandum may be acknowledged.



(Namrita Bhan), JKAS
Under Secretary to the Government

Er. Mohd Farooq,
the then Junior Engineer,
PMGSY Sub-Division, Assar, Division Doda.
(Retired from PMGSY Division Ramban on 31-03-2024)

Statement of Imputation

1. Namrita Bhan

charge you, Sh. Jagdish Kumar S/o Thoru Ram R/o Village Kachrial, Pallanwala Tehsil Khour District Jammu, the then AEE posted in PMGSY Division Doda (Now posted as A.E.E Chief Town Planner Office, Jammu).



1. It has been observed that, during your posting as AEE PMGSY Division Doda, District Doda in the year 2019-20, while a road was being constructed, damage to trees in the 34/M compartment was done by the contractor M/S Rattan Chand & Sons. Since the said work was being executed under your supervision, you didn't alert the concerned contractor to carry out the work carefully and for avoiding the damage to the forest prior to the said damage was caused..
2. That you could not produce any supporting document, that the contractor namely M/S Rattan Chand and Sons, executing the work, was instructed from time to time to take extra precautions in order to avoid any loss to the green gold except the conditions mentioned in the contract.
- 3 . That if the topography of the said area was a vertical cliff, the matter should have been brought into the notice of the senior officers in writing, as there was every apprehension of danger to trees while excavating the hard, vertical rock. Since the contractor was not stopped/alerted great, loss has been caused, which could have lessened with your timely intervention.
- 4 . That since the matter was not brought into the notice of the senior officers of your Department and consequently the Forest Department was not intimated prior to construction in the said area, no officials from the PMGSY or the Forest Department were present on the spot, or could explore any new possibility in reducing the damage while the excavation was to be carried out in the said area.
5. That you allowed the said contractor to keep excavating and building the road causing more and more damage while you could have stopped him and the damage to the forest trees and land would not have been caused, clearly indicating your lack of supervision and negligent approach towards your official duties.

Now, therefore you are hereby called upon to furnish your reply to the above said charges within 21 days, failing which it shall be presumed that you have nothing to say in your defense.

(Namrita Bhan), JKAS

Under Secretary to the Government

Er. Jagdish Kumar,
the then Assistant Executive Engineer
PMGSY Doda, Sub Division Assar Doda District.
(Now posted in Chief Town Planner Office, Jammu)


22.05.2020


Statement of Imputation

I, Namrita Bhan

charge you, Shri Mohd. Farooq S/o Gulab Din R/o Village Jathi, Pallanwala Tehsil Assar District Doda, the then JE posted in PMGSY Division Doda (Now Retired from PMGSY Division Ramban on 31-03-2024).

1. It has been observed, during your posting as JE PMGSY Division Doda, District oda, in the yer 2019-20, while a road was being constructed, damage to trees in the 34/M compartment was done by the contractor M/S Rattan Chand & Sons. Since the said work was being executed under your supervision, you didn't alert the concerned contractor to carry out the work carefully and for avoiding the damage to the forest prior to the said damage was caused.

2. That you could not produce any supporting document, that the contractor namely M/s. Rattan Chand and Sons, executing the work, was instructed from time to time to take extra precautions in order to avoid any loss to the green gold except the conditions mentioned in the contract.

3 . That if the topography of the said area was a vertical cliff, the matter should have been brought into the notice of the senior officers in writing, as there was every apprehension of danger to trees while excavating the hard, vertical rock.

4 . That since the matter was not brought into the notice of the senior officers of your Department, and consequential the Forest Department was not intimated prior to construction in the said area, no officials from the PMGSY or the Forest Department were present on the spot, or could explore any new possibility in reducing the damage, while the excavation was to be carried out in the said area.

5. That you allowed the said contractor to keep excavating and building the road causing more and more damage while you could have stopped him and the damage to the forest trees and land would not have caused, clearly indicating your lack of supervision and negligent approach towards your official duties.

6 . That you did not sign the Joint Inspection report which was conducted by your Department and Forest officials for the assessment of the loss caused to the forest trees during the construction of the said road in the 34/M compartment of forest area.

Now, therefore, you are hereby called upon to furnish your reply to the above said charges within 21 days, failing which it shall be presumed that you have nothing to say in your defense.

(Namrita Bhan), JKAS

Under Secretary to the Government

Er. Mohd Farooq,
the then Junior Engineer
PMGSY Sub Division, Assar Doda.
(Retired from PMGSY Division Ramban on 31-03-2024)

Bhan
22.05.2024.
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