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

Subject: Initiation of RDA against Sh. Mushtaq Ahmed Shah, the then AEE, Sh. Nazir Ahmed, the then Junior Engineer and Sh. Ghulam Qadir Deenthoo, the then Junior Engineer, R&B Division Sopore and Sub-Division Sumbal.

Ref.No:- GAD(Vig)156-Comp/2008 dated 31-01-2020 from General Administration Department.

Government Order No: 216.PW(R&B) of 2021  
Dated: 07-07.2021

Whereas, the Commissioner Vigilance J&K Srinagar vide his letter No. SVO/Veri-BK-15/2008-8673-75 dated 18-08-2008 referred the case to this department with the suggestion that the departmental action be initiated against Sh. Mushtaq Ahmed Shah, then AEE, Sh. Nazir Ahmed then JE and Sh. Gh. Qadir Deenthoo, then JE R&B Division Sopore and Sub-Div Sumbal for releasing the payment on account of screening item which was not used by the contractor in the construction of Shilwat-Ankul road (04 Kms Stretch) and Shilwat-Ganistan road (04 Kms stretch).

Whereas, a verification was conducted by the State Vigilance Organization itself, *Prime-face* revealing that the contractor have not utilized the screening item in the construction of the said roads, thereby adversely affected the life and strength of road.

Whereas, vide memorandum No. PW(R&B)HRM/42/2015-Vig dated 16.03.2017, Charge sheet, Statement of imputation etc. was served against Sh. Mushtaq Ahmed Shah, the then Assistant Executive Engineer, Sh. Nazir Ahmed Saudagar and Sh. Ghulam Qadir Denthoo, the then Junior Engineer through Chief Engineer PW(R&B) Kashmir.

Whereas, Chief Engineer PW(R&B) Kashmir forwarded the reply of charges served upon the alleged officials. The reply was examined in the department and vide Government order No. 537-PW(R&B) of 2018 dated 15-10-2018, Sh. Syed Sharief-uddin I/c Superintending Engineer PW(R&B) Circle Bandipora-Ganderbal was appointed as inquiry officer to enquire into the allegations leveled against the accused.

Whereas, the Inquiry Officer submitted report, case examined in the department and accordingly closed vide Government Order No.510-JK PW(R&B) of 2019 dated 06.12.2019.

Whereas, vide O.M.No.GAD(Vig)156-Comp/2008 dated 31.01.2020, the General Administration Department noted that the quantum of penalty as warning does not appear to be commensurate to their misconduct. The department was advised to re-visit the report of enquiry and impose a major penalty. Besides, close the case in accordance with CCA Rules.

Whereas, in pursuant to the above directions by the General Administration Department, and in supersession of previous Government Orders on the subject vide Government Order No. 178-PW(R&B) of 2020 dated 16.06.2020, Er. Shaukat Jeelani, I/c Chief Engineer, PMGSY Kashmir and Er. Syed Sajjad Ahmad , I/c Executive Engineer, R&B Division Ganderbal were appointed as Inquiry Officer and Presenting Officer in the matter respectively to enquire into the allegations leveled against the accused.

Whereas, the Inquiry officer submitted his report /findings vide his letter No.CE/R&B/Adm/7392-93 dated 27.07.2020 as:-

**In the year 2007-08, the Executive Engineer R&B Division Sopore Invited the tenders for Macadamization of below mentioned works:**

1. Construction of Shilwat-Ankal Road (04 Kms Length).
2. Construction of Shilwat-Ganistan Road (04 Kms Length).

**The work namely Construction of Shilwat Ankal road for length of 04Kms, was allotted to M/s Noor Associates (HMPH), Noorbagh Sopore at a cost of Rs, 41,04,060/and the work namely Construction of Shilwat Ganistan road for length of 04Kms was allotted to M/s Associate Builders (HMPH) Sagipora, Handwara at a cost of Rs. 40,92,064/-, As per the report, the above mentioned works have been executed in two phases, under same allotments and through same agencies, i.e. Grade III in one phase with date of start as 11.11.2007 and 26.06.2007 respectively. The phase II i.e. BT was executed in August, 2008. There is a gap of at least 09 months and 14 months between the two phases i.e. G-III and BT. The Grade-III was to be covered by crusher dust as binding material but in view of the winter season ahead and road to survive for months till black topping is done, khakbajri was used as binding material with good quality of screenings. The road surface as such remained exposed to harsh winter, VOK team ,at the site in July, 2008 before black topping of road and the screening component could not be ascertained at that time. As per directions of VOK, an amount of Rs.1,87,867/and Rs.1,87,283/was recommended to be recovered from both the executing agencies against non utilization of the screening item. The records available with the file further reveal that the subject case stands closed by the Administrative Department vide Govt. Order No.810-JK PW(R&B) of 2018 dated 06.12.2019.**

**It has been observed from the records that the grade-III for both the schemes has been executed before onset of winter season and the BT has been executed in**





next season. The officials during the execution of the work used Khakbajri instead of Crusher dust to cover the metal surface with the intention that binding qualities of Khakbajri are better than the stone dust as the road had to withstand heavy traffic during the winter season besides rains and snow in the winter, accordingly the road survived the harsh winter season 2007-08 and without any restoration works B.T. was laid on the Grade III surface as the surface was found excellent at the time of laying of B.T. The cost of screenings for the work Upgradation of Shilvath Ganasthan Road amounting to Rs:195989.00 against the cost of Rs:187283.00 recommended by VOK was deducted from the Contractors Payment Bills and Cost of Screenings for the work Upgradation of Shilvath Ankhul road amounting to Rs:211983.00 against the cost recommended by VOK was deducted from the Contractors payment Bills.

Whereas, the competent authorities have approved the case by awarding "censure" as per J&K CSR.

Now, therefore, in terms of Rule 30 of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956, Sh. Mushtaq Ahmed Shah, the then AEE, Sh. Nazir Ahmed, the then Junior Engineer and Sh. Ghulam Qadir Deenthoo, the then Junior Engineer, R&B Division Sopore and Sub-Division Sumbal are hereby censured for the dereliction of duties.

By order of the Government of Jammu & Kashmir.

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

Encls:      Pages

No. PWD-(R&B)/25/2021-01-Dept of PWD R&B (e-office)

Dated: 07.07.2021

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
2. Commissioner/Secretary to the Government, General Administration Department
3. Development commissioner (works), PW(R&B) Department.
4. Director, Anti Corruption Bureau, J&K Srinagar
5. Director Archives, Archaeology & Museum, J&K Jammu.
6. Chief Engineer, PW(R&B) Department, Jammu/Kashmir.
7. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
8. Concerned Engineers.
9. Private Secretary to the Principal Secretary to Govt. PW(R&B) Department
10. I/c Website
11. Government Order file/ Monday return file w.2.s.c

(Shahid Mehmood) KAS  
Additional Secretary to Government  
Public Works (R&B) Department