



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

Subject: Initiation of RDA against Er. (1) Mehraj-ud-Din Bhat, the then Executive Engineer (presently posted in R&B Division Vailoo) (2) Altaf Hussain Sheikh AEE/T.O (presently posted in R&B Division Vailoo). (3) Aijaz Ahmad Shah, AEE (presently posted in R&B Division Qazigund). (4) Fayaz Ahmad Hajam, JE (presently posted in R&B Sub-Division Vailoo). (5) Mubashir Hussain, JE (presently posted in R&B Sub-Division Kokernag) and (6) Inqulab Ahmad Khatana, JE (presently posted in R&B Sub-Division Vailoo). (JSC-APKS-06/2020)

Government order No. 234 PW(R&B) of 2022
Dated: 19-07-2022

Whereas, the General Administration Department vide O.M No. GAD-VIGORDA/64/2021-02-GAD, dated: 27.07.2021, forwarded a letter of Anti Corruption Bureau J&K along with allied documents viz. draft Article of Charges, Statement of Imputations and Gist of Evidence to this Department for Initiation of Regular Departmental Action against the subject, in terms of J&K Civil Services (Classification, Control & Appeal) Rules, 1956.

Whereas, the Anti Corruption Bureau intimated that a joint surprise check was conducted by the team of ACB-South Kashmir for Mohripora Kandiwara Soaf road on 05.09.2020. The case examined in the department and vide letter No. PWD-RDA/51/2021-05, dated 07.09.2021, article of charges were served to the concerned engineers through the Chief Engineer, PW(R&B) Department, Kashmir.

Whereas, the delinquent officers submitted replies to article of charges to this department, case was examined and vide Government Order No. 343-PW(R&B) of 2021 dated 09.11.2021, Er. Rasheed Lone, I/c Superintending Engineer, PW(R&B), Circle Anantnag-Kulgam and Er. Qazi Javed Amin, I/c Executive Engineer, Khanabal were appointed as Inquiry Officer and Presenting Officer respectively to enquire into the allegations levelled against the subject.

Whereas, the Inquiry Officer vide communication No. 1802 dated 18.05.2022 submitted report and gave comprehensive report on point to point basis, the gist of which is as under:-

- a. The work of macadamization was started in 15-8-2020 and completed on 25-08-2020 but the work remained suspended due to torrential rains. As the road is in hilly terrain prone to flash floods and some portion near edges was damaged which was repaired later.
- b. The work was allotted after proper NIT No. 18/2020, issued by the R&B Division to M/s valley Infra Tech Engineers, Contractors and suppliers, Anantnag.
- c. The work was advertised in anticipation of Technical sanction which was subsequently granted on 20-03-2021.

- d. The reports of samples were found satisfactory by the control team at division office and by the third party testing by NIT Srinagar and was found as per standard values and within prescribed limit.

Whereas, the Inquiry Officer concluded his report as it got established that there is no loss to the state exchequer as the allotted cost of the work is Rs.43.81 lakhs against the advertised cost of Rs. 45.94 lakhs which is about 5% below the advertised cost and no payment paid to the contractor till date as per the records available in the file, nor any compromise has been made on the quantity/quality of the executed work and the macadamized surface is presently in good condition, thereby serving the commuters in a satisfactory manner. As such the complaint is not substantiated by the facts on ground. The facts and circumstances derived during the course of Inquiry, the accused Engineers are not found involved in any such action which is unbecoming of a Government Servant and suggested that take no action against these officers/officials and recommended that the allegations in totality be dispensed with and the RDA be accordingly closed.

Whereas, the instant case was referred to the Development Commissioner(Works) for comments/view in the matter, who returned the file with following observation:-

"Upon perusal of the file, it has been explicitly reported by inquiry officer in his report that there is no loss to exchequer as the allotted cost of the work is Rs 43.81 lakhs against advertised cost of Rs 45.94 lakhs which is about 5% below the advertised cost and no payment has been paid to the contractor till date as per records available on the file, nor any compromise has been made on the quality /quantity of the work executed and the macadamized surface is presently in good condition. Inquiry officer also stated that during the spot inspection it was found that the road stretch under question was got restored by laying of bituminous layer and stretch is in good condition as on date. There is no sign of any disintegration of the bituminous macadam of the road from its origin to its destination and road is serving the public as whole . The riding surface is good even after one and half year from completion of the work. The tar content results given by ACB ,RR&MT lab and NIT by Division and by Inquiry Officer for Mahipora Kandiwara Soaf Road are given below":-

Organization	Tar/bitumen content of BM	Prescribed range as per allotment of work/MORTH Specifications	Tar/bitumen content of SDBC	Prescribed range as per allotment of work/MORTH Specifications	Remarks
Department PW(R&B) Division Vialoo through RR&MT lab	4.31%	3.3%	7.36%	5%	ACB stated that bitumen content result of 03 samples out of 4 for BM and SDBC were not up to the Standard range as per Morth Specification.(ACB in their report have not given value of Tar content) .
Department PW(R&B) Division Vialoo through NIT	3. 3.40%		5.50%		
Inquiry officers test report through NIT (as on 28.12.2021)	3.6% sample 1 3.75% sample 2 Avg: 3.68 for BM		5.20% sample 1 5.40% sample 2 Avg:5.30		

The above results are within prescribed range and gradation of aggregates has also been found corresponding to prescribed limits. The post facto technical Sanction stands accorded".

Now, therefore, in view of the report of the Inquiry Officer and by upholding the recommendations of Development Commissioner (Works), with the approval of the competent authority, the allegations leveled against the following Engineers of PW (R&B) Division Vailoo Anantnag are hereby dropped and case is closed:-

1. Er. Mehraj-ud-Din Bhat, the then Executive Engineer (presently posted in R&B Division Vailoo)
2. Er. Altaf Hussain Sheikh AEE/T.O (presently posted in R&B Division Vailoo),
3. Er. Aijaz Ahmad Shah, AEE (presently posted in R&B Division Qazigund),
4. Er. Fayaz Ahmad Hajam, JE (presently posted in R&B Sub-Division Vailoo),
5. Er. Mubashir Hussain, JE (presently posted in R&B Sub-Division Kokernag) and
6. Er. Inqulab Ahmad Khatana, JE (presently posted in R&B Sub-Division Vailoo).

However, the engineers are warned to remain careful in future

By order of the Government of Jammu and Kashmir.

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


No. PWD-HRM1/90/2021-05-Department of PWD R&B (C.No.59195)

Dated: 19 07.2022

Copy to the:-

1. Principal Secretary to the Government, General Administration Department. This is with the reference to his O.M No. GAD-VIGORDA/64/2021-02-GAD dated 27.07.2021.
2. Development Commissioner (Works), PW(R&B) Department.
3. Director, Anti Corruption Bureau, J&K.
4. Director Archaeology & Archives, J&K.
5. Chief Engineer, R&B, Jammu/Kashmir.
6. Concerned.
7. Private Secretary to Principal Secretary to Government, Public Works (R&B) Department.
8. Government Order file/Stock file.

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


(Farooq Ahmad Malik) JKAS 9/7/22
Deputy Secretary to the Government

