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

Subject: Preliminary Enquiry against Shri B.D.Khajuria the then Executive Engineer,  
PW(R&B) Department Poonch and others.

**Government Order No: 303 PW(R&B) of 2021**  
**Dated: 11.10.2021**

Whereas, the General Administration Department vide communication No.GAD(Vig)149-GN/2010 dated 12.11.2010 has forwarded a communication of State Vigilance Organization J&K (Now ACB) vide No. SVO/PE-PPK-02/08-12939-42 dated 07.10.2010 alongwith Article of Charges and Statement of Imputation for initiating of Regular Departmental Action against the following Engineers:-

1. Shri Muneer Hussain the then AEE PWD(R&B) Department Poonch and
2. Shri Shehnaz Ahmad the then JE PWD (R&B) Poonch and advised to effect recovery of Rs.1,42,653/- from all the below three mentioned Engineers:-
3. Shri B.D. Khajuria, the then Executive Engineer, PW(R&B) Department Poonch (Superannuated).
4. Shri Muneer Hussain the then AEE, PWD(R&B) Department Poonch, and
5. Shri Shehnaz Ahmad the then JE PWD (R&B) Poonch.

Whereas, the State Vigilance Organization stated that on a compliant received from one Mr.Kalu Khan R/o Narula Poonch, alleging that the Engineers of PWD Poonch had departmentally executed works on the following three roads executed in Mendher/Poonch and also constructed retaining /breast walls but in the process committed number of frauds in the grading and the width of the road, accordingly, a preliminary Enquiry into the matter was initiated:-

- i)- Sakhi Madan-Kalai road
- ii)- Pathanateer-Gursai, and
- iii)- Behra-Salwah road.

Whereas, on conducting enquiry the relevant records were collected which revealed that the works were not put to Tenders. Subsequently the Inquiry Officer alongwith Engineers of VOJ inspected various places of all the three roads mentioned above which were found departmentally executed. It was also found that the said Engineering Division has charged above SSR, 30% for hard rock, 40% for soft rock and 30% for hard soil. Thus in carrying out the earth work of cutting of Kilometers 3<sup>rd</sup> (RD 750-1000) at Behra-Salwah

road allotted to M/s Abid New Building constructions Poonch, an excess payment had been drawn as the cross sections/spot inspection made it clear that only soft soil was found available on the spot. Moreover the cutting of earth work was found to have been charged on higher side resulting in the loss of Rs. 1,42,653/- caused to the state exchequer. Moreover, the payments have been released on Hand receipt which is violation of J&K Public Works Accounts Rules. Besides, the due amount of tax was also not deducted from the released payments. Thus the onus of obviating the floating of Tenders, misrepresentation of facts, making payments on Hand receipts and drawing excess money lies on three Engineers, namely, Er.B.D.Khajuria, the then Executive Engineer, Er. Muneer Hussain, the then AEE and Er.Shehnaz Ahmad]=]

Whereas, the accused Engineers were charge sheeted except Er. B.D Khajuria (already retired). They submitted their replles, case examined and Inquiry was conducted in the matter.

Whereas, the Superintending Engineer, PW(R&B) Circle Rajouri vide his letter No. R&B/38/2680 dated 18.07.2012 has also intimated that the findings of the Vigilance organization on the basis of measurement of 25-30 metre stretch cannot account on mean basis. On the strength of the record available and site inspection the work was found executed strictly as per project and measurement charged exists at site and tally with each other and as such nothing overcharged was found as such, the charges regarding loss of Rs.142653/- to the state exchequer did not found on merit and cannot be accepted. An inquiry report was submitted in the case by the then AEE, Mandi Poonch and AEE, Koteranka Rajouri wherein they reported among other things that during inspection of site of work it was observed that the measurements recorded on the M-Book/Work register tally with those at site and the road was also open for plying of vehicular traffic which reveals that the physical and financial aspects of the work were in order. Besides, the loss of Rs.1,42, 653/- to the Government Exchequer as alleged by the Vigilance Organization Jammu and affecting the recovery of the same from above named engineers was not justified as the same was not evident from the scrutiny of record and inspection of site. The loss was mis-calculated by the team of Vigilance Organization Jammu who visited the site by taking into consideration the difference in classification of soil as observed by them at site by just inspecting a small stretch of 25-30 meters of road which cannot be matched with whole of Kilometer length. They also reported that no payment was made on Hand Receipts and all the Taxes which were applicable under rules were deducted from the claims of contractor. Similarly, the Assistant Executive Engineer, Departmental Vigilance Officer PWD (R&B) Division Poonch vide endorsement No.105/9 dated 18.08.2011 intimated that as per the documents provided by the PWD(R&B) Division Poonch and the spot inspection revealed that the vigilance Team who visited the site took into consideration a mall stretch of soil measuring 25-30 Mts in length and there was only hard soil with some individual boulder embedded in that against the total stretch of 250 mtr. In particular and one Km in general which did not justify to effect the recovery from the officers which was calculated on the wrong interpretation soil classification. It is pertinent to mention here that the Executing agency quote the rates as appreciation or depreciation on the advertised rates as per the site conditions/





topography, Moreover it was beyond the jurisdiction of Officers at Sub-Divisional level to change the soil classification which was already been advertised. DVO has also intimated that there has been some miscalculation by the Vigilance Team which has shown the loss of Government Exchequer to the tune of Rs.142653/- which was not the fact as revealed by the documents and site measurement/soil classifications. Moreover no payment was made in favour of the contractor or hand receipts and all taxes as admissible were deducted from the claim of the contractor.

Whereas, in the meantime, the matter was taken up with Chief Engineer, PW(R&B) Department, Jammu with the request to furnish detailed report/ comments and status of accused engineers in the matter. In response, the CE, PW(R&B) department intimated that the Superintending Engineer, PWD Circle Rajouri vide his office letter No.R&B/35/2680 dated 18.07.2012 conveyed that prima-facie there seems no evidence to prove loss to Government exchequers and work was found executed at site strictly as per the DPR and PWD specifications. Further, as far as status of Engineers is concerned, Sh.B.D. Khajuria, the then Executive Engineer and Sh. Muneer Hussain the then AEE has attained superannuation and Sh.Shahnaz Ahmed Choudhary the then contractual JE is not presently working on the establishment of that Department.

Whereas, the case was again referred to the Development Commissioner(W) for comments in the matter and the DCW has furnished his comments as:-

*The soil classification of Road, Bahari to Salwa Km 3<sup>rd</sup> (RD 750-1000) from Chief Engineer PW(R&B) Jammu. The Chief Engineer vide No.CEJ/Estab/5/901-21 dated 18.08.2021 has forwarded the report of committee, comprising of District Mineral Officer Poonch, AEE PW(R&B) Sub-Division Mandi and AEE PW(R&B) Sub-Division Poonch, regarding classification of soil of the said road stretch. The expert from Geology and Mining Department in the report has stated that the rocks exposed in the said stretch of road (KM 3<sup>rd</sup> RD 750-1000) geologically fall in Murree formation which comprised mainly of alternative bands of shale, slit stone/mud stone and sand stone with individual boulders. In the road alignment between RD 750-1000, all these units are exposed in alternation associated with slide, debris at places is heterogeneous mixture of sandstone, shale, mudstone and clay stone. In all the units encountered along the road alignment, the percentage of sandstone exceeds more than 70% as at maximum part of the road alignment, the sandstone is exposed along the strike and runs parallel to the road. Whereas, at other parts, it is exposed in frequent alternation and also with the slide debris. The sand stone of muree formation is considered as hard and strong rock due to its good compressive strength value ranging from 54.49 to 98.03 mpa. The examined murree sandstone falls in the category of hard rock as defined by Anon(1977) and it is difficult to break without vibrator, hammer or blasting. Beside sandstone, the shale is also hard while excavating but gets shattered after exposure to atmosphere, whereas, mud stone/ siltstone is devoid of lamination and fissility. The committee in its report has shown to have found the classification of soil as Hard soil 30%, soft rock 40% and hard rock 30% to be genuine and the same has been certified by the members of the*

committee under their signatures. As such, the payment made by the delinquent engineers for earthwork exaction is found as per the classification of soil verified by the committee. The Development Commissioner(W) has recommended that the allegations leveled against Er. B.D Khajuria, the then Executive Engineer PW(R&B) Poonch, Er. Muneer Hussain, the then AEE and Er. Shahnaz Ahmed, the then J.E R&B Sub-Division Poonch be dropped.

Whereas, as per available records Rule 168-A of CSR is applicable in the case of Er.B.D, Khajuria, as the instant case received in this Department vide O.M.NO.GAD(Vig)149-Genl/2010 dated 12.11.2010 from General Administration Department and the said officer retired from the Government Service on 28.02.2009.

Now, therefore, in view of the above, the charges levelled against Er.Muneer Hussain, the then Assistant Executive Engineer and Er.Shahnaz Ahmed, the then contractual Junior Engineer, R&B Sub-Division Mendher/Poonch, with the approval of competent authority, are hereby dropped and case is closed. The case in respect of Er.B.D Khajuria, the then Executive Engineer, PW(R&B) Poonch is closed in terms of Article 168-A of CSR as not proved.

By order of the Government of Jammu and Kashmir.

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

No. PW-RDA/2021-05-Department of PWD R&B

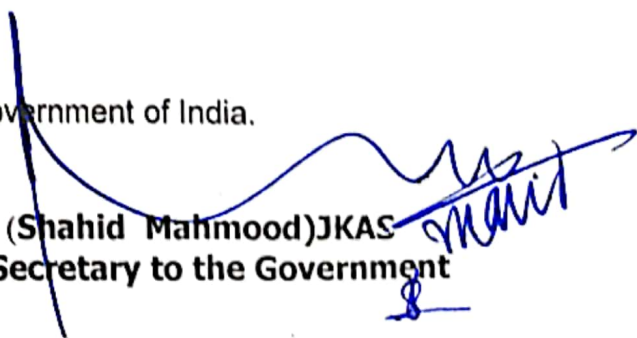
Dated 11.10.2021

Copy to the:-

1. Commissioner/Secretary to the Government, General Administration Department. This is with the reference to his O.M No. GAD(Vig)149-Genl/2010 dated 12.11.2010.
2. Development Commissioner (Works), PW(R&B) Department.
3. Director, Anti Corruption Bureau, J&K.
4. Director Archives, Archaeology & Museum, J&K.
5. Chief Engineer, Public Works(R&B) Department, Jammu/Kashmir with the advisory to pass on the instructions to all the I.Os to adhere to the instructions of enquiry procedures and to accomplish the given enquiries within the time frame.
6. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
7. Concerned Engineers.
8. Private Secretary to Principal Secretary to the Government, Public Works (R&B) Department.
9. I/c Website.
10. Government Order file/Stock file.

Copy also to:

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

  
**(Shahid Mahmood)JKAS**  
**Additional Secretary to the Government**