



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

Subject: Initiation of Regular Departmental Action against Er. Abdul Rashid Sheikh, then Executive Engineer, PW(R&B) Special Division Gandoh.

Government Order No. 335 PW(R&B) of 2021  
Dated: 02.11.2021

Whereas, the General Administration Department vide O.M. No. GAD(Vig)11-RDA/2017 dated 08.03.2017, forwarded a communication No. VO-UD-JSC-04/2014-1595-96 dated 01.02.2017 along with Article of Charges, Statement of Imputation and gist of evidence against the subject for initiating of Regular Departmental Action as recommended by the Vigilance Organization (Now Anti Corruption Bureau, J&K), as per the mandate of J&K Civil Services (Classification Control & Appeal) Rules, 1956, with the approval of Disciplinary Authority.

Whereas, on the basis of complaint lodged, the Vigilance Organization (now ACB) alleged that the Government sanctioned 10 KM Kund-Amritpora road with the financial assistance from NABARD and Special Sub Division Gandoh was assigned the execution of work which was to be started in the year 2009 and to be completed in the year 2012. It was further alleged that the construction of the road was to be undertaken in the 1<sup>st</sup> phase of 04 KM from Kund to Bali and Chanyas which was never executed, instead, the work was then undertaken by the special Sub Division PW (R&B) from Chanyas to Amritpora by changing the alignment. The bills for execution of work of construction of road from Kund to Bali to Chanyas stands withdrawn from the state exchequer by the subjects against non executed work. During the course of Joint Surprise Check, the five (05) randomly selected works were physically checked and records were scrutinized which revealed that works were allotted on tender basis. The works were found under execution and charged as per measurements records in M.Books. Necessary deductions i.e, Income Tax, Service Tax, Cess were found made. However, an excess payment of Rs. 3025/- was found drawn in item No. 5 of M.Book No. 59 in which 10% deduction of voids was found done by the subjects. During spot inspection it was also observed that take off point for the road in question has been taken from RD 2/ 925 of Batyas to Jakyas Road instead of RD 1/75 as projected in the DPR. In this regard, Executive Engineer, PW(R&B) Special Sub Division Gandoh intimated that DPR was prepared/sanctioned based on typical cross sections at 500 m intervals but when the work was put to tenders, it was based on detailed survey conducted for first 4 Kms. The take off point for the road was taken from 2/925 of Jakyas to Challar Road as it was on higher contour/RL as compared to proposed take off point 1/75 on lower contour/RL. Moreover the road was to target the village Amritpora on higher contour/RL. However no approval for the change of take off point from competent authority was sought by the subjects. The total expenditure incurred upto tending December 2014 has been found Rs. 2,69,46, 913/-. No double drawal was found made by the subjects and an amount of Rs. 2,04,38, 439/- as on 31.12.2014 was found lying with Store Procurement Department, Jammu from where material is being lifted from time to time. Besides, no work has been found executed on the Kund Chinyas to village Bali nor any payment has been found drawn against such work.



Whereas, vide communication No.PW(R&B)HRM/14/2017-Vig. dated 18.05.2017, article of charges were served upon the delinquent Engineer through Chief Engineer, PW(R&B) Department Jammu with the direction to furnish reply. The accused engineer submitted reply to the article of charges.

Whereas, the case examined in the department and vide Government Order No.90-PW(R&B) of 2019 dated 05.02.2019, Er.Des Raj Bhagat, I/c Superintending Engineer, Public Works(R&B) Circle Udhampur-Reasi was appointed as Inquiry Officer to enquire into the allegations levelled against the subject.

Whereas, the Inquiry Officer vide communication No.SEU/Admn/2019-20/2473-75 dated 02.09.2019 reported as:-

"on the basis of available records and report provided by the Executive Engineer PWD Special Sub Division, Gandoh (Bhalesa) vide his office letter No. EE/PWD/SSDG/ 500-01 dated 22/05/ 2019 and EE/PWD/SSDG/ 1274-75 dated 02/08/ 2019 , the statement of facts on the matter is that Er. Abdul Rashid Sheikh, the then Executive Engineer PWD (R&B) Speical Division Gandoh has never remain posted as Executive Engineer PWD (R&B) Division Kupwara for the year 2013-14 . Moreover the Executive Engineer vide his reply stated that the DPR for the road from Kund (Chanyas) to Amritpura having length 10 Kms costing Rs 998.00 Lacs under NABARD got prepared in the year 2009 by his predecessor which was got sanctioned under NABARD RIDF-XVI whereas the project namely Kund (Chanyas) to Amritpura phase 1st 4.00 Kms costing Rs. 494.00 lacs never been sanctioned during the tenure of the then Executive Engineer, Sh. Abdul Rashid Sheikh. Therefore, the charges levelled against the then Executive Engineer, Sh. Abdul Rashid Sheikh is false and baseless".

Whereas, vide this department letter No.PW(R&B)HRM/14/2017-Vig dated 03.10.2017, the Chief Engineer, PW(R&B) Department Jammu was also requested to examine the matter and furnish a factual report and identify the delinquent officers/officials during the tenure of whom the alleged lapses occurred.

Whereas, the Chief Engineer, PW(R&B) department, Jammu vide his communication No.CEJ/PS/M/437-438 dated 16.07.2021 stated that a committee was constituted in the matter comprising of four members under the chairmanship of Superintending Engineer, PWD (R&B) Circle Doda-Kishtwar vide order No. CEJ/PS/02/ 1188-93 dated 02.02.2021 in order to ascertain the actual facts. The Superintending Engineer, PWD (R&B) Circle Doda vide Communication No.SED/R&B/ 5032 dated 05.07.2021 submitted the detailed report of the committee along with the Inquiry Report. The brief facts of the report are as:-

That the then Executive Engineer Er. Abdul Rashid Sheikh held the charge of the office of Executive Engineer Spl. Sub Division Gandoh during December 2009 to April 2013 with regards to the charge that the then Executive Engineer was posted in PWD(R&B) Div. Kupwara during 2013-14 , the charge is not true. In reference to the charge of starting of work in 2009 and to be completed in 2012 , the project itself was sanctioned only in ending 2010 . The project could not get started during the tenure of the Executive Engineer due to non-settlement of compensation dues. The work on the project actually got started on 10-05-2013 after the transfer of the then Executive

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Engineer Spl. Sub-Division Gandoh could not be established, as per the inquiry report submitted by Superintending Engineer PWD(R&B) Chate Doda and recommended that the report may be considered accordingly in terms of the above stated paras.

Whereas, the instant case referred to the Development Commissioner (W) for comments. The Development Commissioner observed that:-

Upon perusal of the instant case in light of the recommendations of the Chief Engineer and the inquiry officer, it has been felt imperative to elaborate upon the following two allegations as leveled against the officer in the Vigilance Report:-

Change of Take off point of Kund-Amritpora road from RD 1/175 to RD 2/925 of Batyas to Jakyas Road. Drawal of excess amount of Rs. 3025/- in item No. 5 of M.Bock No. 59 for non deduction of 10% of voids. The proposed take off point of Kund (Chanyas) to Amritpora Road has been mentioned as RD 1/75 of Jakyas-Challer Road in the DPR where as the vigilance organization has reported the take off point as RD 2/925 of Bhatyas-Jakyas Road. The RD 1/75 as shown in the DPR has been earlier RD of the State Sector Road (Jakyas-Challer Road) and after its upgradation under NABARD, two kms were added at its start and as such the RD's got changed. The RD 2/925 of the upgraded Bhatyas-Jakays Road corresponds to RD 1/75 of the earlier Jakyas-Challer Road. This is also evident from the Index map wherein, the Bhatyas-Jakyas Road starts from Bhatyas village, some 2KMs before the initial starting point of Jakyas-Challer Road i.e. village Jakyas. As such no change in alignment has taken place. Regarding the charge at S.No.2, the item corresponds to "Stone filling in horizontal level and behind walls lightly hand packed, unit cost of stones complete ". The deduction of 10% for the voids has not been done. The amount of which has been worked out by vigilance organization as Rs.3025/- and the same needs to be recovered from the contractor. It is pertinent to mention here that the payment for the said item has not been done in the tenure of Shri Abdul Rashid Sheikh, who is the delinquent officer in the instant RDA.

Whereas, the Development Commissioner (Works) recommended that the allegations leveled against Er. Ab. Rashid Sheikh, the then Executive Engineer PW(R&B) Special Sub Division Gandoh are not on merits and therefore be dropped.

Now, therefore, in view of the above and upholding the recommendation of Development Commissioner(Works), and with the approval of the competent authority the allegations leveled against Er. Abdul Rashid Sheikh, the then Executive Engineer PW(R&B) Special Division, Gandoh is dropped and case is hereby closed.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shailendra Kumar) IAS

Principal Secretary to the Government

Dated 02-11-2021

No. PWD-RDA/52/2021-05-Department of PWD R&B

Copy to the:-

1. Commissioner/Secretary to the Government, General Administration Department. This is with the reference to his O.M No. GAD(Vig)11-RDA/2017 dated 08.03.2017.

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Engineer. Thus the question of change of alignment/take off point does not arise at all. In connection with the charges that the work on phase 1<sup>st</sup> Kund to Bali and Chanyas 4km length had to be taken but was never executed, charge of change of alignment, charge of drawl of bills towards un-executed work- the charges are false as no such project was ever sanctioned and thus the question of change of alignment and drawl of payment of un-executed work does not arise. As regards the changes of change of take off point from Kund village to Chanyas village; it is not based on facts, as km 2<sup>nd</sup> RD (shown in DPR as take off point) was earlier RD of the state sector road which was prepared in 2008 and km 2<sup>nd</sup> / 925 is the RD of the NABARD Road of the same spot/location from where the take off point was proposed and taken up. The alignment has neither been changed by the then Executive Engineer nor by any other Executive Engineer. The fact is that the state sector road was started 2kms ahead of the NABARD road. These two RDs are of the spot/location as in NABARD project two kms length was added at the starting in addition to the length of state sector. As regards the charge of change of take off point of Kund (Chanyas) to Amritpora road. The take off point has not been changed neither by the then Executive Engineer nor by any other Executive Engineer. The charge is false and not based on facts. As regards the charge that DPR of the road Kund (Chanyas) to Amritpora was prepared on the basis of typical X-Section at an interval of 500 mts upto BT Status and its first 4kms were followed by detailed survey on basis of which tender was floated; the whole exercise was carried out prior to the posting of the then Executive Engineer. Nothing has been found which goes against the PWD norms. As regards the charge that the village shown in DPR have not been connected due to change of alignment; the charge is not true. The villages Kund, Chanyas are seen connected with Jakyas-Challar road directly and the village Bali has also been found connected by PMGSY road Jakyas-Gondoo. As regards the charge that DPR has not been found signed by Distt. S.E. / Chief Engineer; the charge is also false as the DPR has been routed to Worthy Chief Engineer through Distt. S.E vide his No. 5743-48 dated 31-08-2009. As regards the charge that the take off point has been taken up from RD 2/ 925 of Bhatyas to Jakyas road instead of 1/75 as per the DPR; the charge is not based on facts. The take off point RD 2/ 925 is of Jakyas-Challar road and not of Bhatyas-Jakyas road which is another different road. As regards the charge of an excess payment of Rs. 3025 on account of non deduction of 10% voids, the said payment has not been made during the tenure of the then Executive Engineer. However instructions have been given to recover the said amount in the contractors next bill. The then Executive Engineer in his statement of facts has mentioned that an enquiry in this matter has already been conducted through Chief Engineer PWD(R&B) Jammu vide no. CEJ/EST/ 3831-32 dated 29-06-2017, and reply to the same was furnished on 17 July 2017 some four years ago. The replies and records furnished were thoroughly probed and gone into and what emerged from it has been found to be in line with reply furnished/ submitted by the then Executive Engineer and that the jurisdiction of course of action followed has been found to be in line with the settled norms, code and procedure of PWD.

Whereas, the Chief Engineer concluded the enquiry report that "*From what has been mentioned in above para and as verified from records and site inspection, all charges, whether that of posting in Kupwara, charges of change of alignment, Charge of change of take off point of Kund (Chanyas) to Amritpora road, Charge of payment of un executed works of phase 1st of Kund to Bali and Chanyas road and the charge of excess payment drawl, leveled in the Article of Charges and Statement of Imputation against Sh. Abdul Rashid Sheikh the then Executive*

2. Development Commissioner (Works), PW(R&B) Department.
3. Director, Anti Corruption Bureau, J&K, Jammu.
4. Director Archives, Archaeology & Museum, J&K Jammu.
5. Chief Engineer, Public Works(R&B) Department, Jammu/Kashmir.
6. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
7. Concerned Engineer.
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 the:-

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

(Dr. Zeba Suleman)

Under Secretary to the Government