



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

Subject:- JSC-JSK-06/2021 Initiation of RDA against Sh. Ravinder Kumar Mansotra SE, Sh. Balbir singh XEN, Sh. Shamis Din, the then AEE, Sh. Rajinder Kumar Sharma, the then AE, Sh. Yuv Raj Singh the then AE, Sh. Rakesh Radha the then JE and sh. Saleem Malik, the then JE.

**Government Order No:- 377- PW(R&B) of 2023
Dated: - 12-09-2023**

Whereas, the General Administration Department vide communication No. GAD-VIGORDA/33/2022-02-GAD Dated:01.03.2023, forwarded a copy of communication No.ACB-JSC-JKR-06/2021-26545, dated 31.12.2021 , alongwith allied documents viz. draft Article of charges, Statement of Imputations and Gist of Evidences received from Anti Corruption Bureau and recommended initiation of RDA against the following Engineers:-

- (1) Sh. Ravinder Kumar Mansotra, the then SE, PW(R&B), Circle Jammu,
- (2) Sh. Balbir Singh, the then Executive Engineer,
- (3) Sh. Shamis Din, the then Assistant Executive Engineer,
- (4) Sh. Rajinder Kumar Sharma, the then Assistant Engineer,
- (5) Sh. Yuv Raj Singh, the then Assistant Engineer,
- (6) Sh. Rakesh Radha, the then Junior Engineer,
- (7) Sh. Saleem Malik, the then Junior Engineer.

The ACB observed the following on the basis of their findings:-

1. According to the Engineering experts of ACB and on the basis of the test report of DIQC Jammu, the bitumen contents in all the three samples of BM is not up to the mark as the same was found 3%, 2.8.% & 3.2% against required limits of 4%.
- (i) The Quality of Bitumen to be used i.e VG 30 as per allotment is within the test results for four different parameters except, specific Gravity of sample 'C' by 0.01 as per the IS 73: 2013.
- (ii) As per test reports of material testing Lab IIT Nagrota, the Specific Gravity of sample "C" is 1.03 instead of required range of 1.02 as per the IS 73:2013.

- (iii) The amount of work done for Item No. 2 as per the Work Register is calculated on the basis of allotted rates in full i.e @350/m².
- (iv) The work was put to tenders on 26.08.2020 in absence of Technical Sanction of competent authority which is violation of codal procedure.
- (v) The work was allotted on 06.10.2020, agreement was signed on 12.10.2020, the date of start and completion of work are 13.10.2020 and 13.11.2020 respectively but as per work register the work is shown started on 18.05.2021 and is still in progress.
- (vi) On the day of JSC, no Engineer of Hot Mix Plant was found either at work site or at Hot Mix Plant in order to monitor the mixing of material which is mandatory.
- (vii) As per scrutiny of the record and in the light of contents of letter No.649 dated 26.02.2021, the primary responsibility of maintaining/monitoring the quality of material/bitumen content and getting the test done rests with Engineers deployed at the Hot Mix plant for the said purpose and the Engineers of concerned Division associated for the purpose.

Whereas, after perusal of the Articles of Charges and records of the department, it came to fore that two delinquent officers, Er.Ravinder Kumar Mansotra and Er. Balbir Singh attained superannuation on 31-12-2021 and 31-01-2021 respectively, therefore, both the Engineers are beyond the purview of Article 168-A of JK CSR. Henceforth, the department decided to serve the article of charges to Sh. Shamis Din, the then AEE, Sh.Rajinder Kumar Sharma, the then AE, Sh. Yuv Raj Singh the then AE, Sh. Rakesh Radha the then JE and Sh. Saleem Malik the then JE which they are still in active service.

Whereas, the case of these Engineers was examined in the department and subsequently, vide communication No. PWD-HRM1/201/2022-05-PWD R&B DEPARTMENT dated: 24.03.2023, Article of charges were served to accused Engineers through Chief Engineer, PW(R&B) Department Jammu.

Whereas, the delinquent Engineers submitted their reply to the article of charges, the same was examined in the department.

Whereas, vide Government Order No.161-PW(R&B) of 2023 dated 19.04.2023, Er. Saleem-ul-Saba, I/c Superintending Engineer, PW(R&B) Circle Jammu-Kathua and Ashish Bhasin, I/c AEE(Civil), CD -III were appointed as Inquiry Officer and Presenting Officer respectively into the matter.

Whereas, vide communication No. SEJ/ADM/2023-24/2228-30 Dated: 13-05-2023 the Inquiry Officer reported that:-



It is hereby reported that the work namely Improvement/upgradation of Revenue Complex Road by way of Providing & Laying Wet Mix Macadam, 50mm thick BM, 25mm thick OGPC and Thermoplastic Paint (Under Languishing) was allotted to M/S "Jai Lakshmi Road Builders" village Patti District Samba, Prop. Sh. Atul Sharma S/o Sh. Parladh Kumar Sharma R/O Patti District Samba vide allotment No: SEJ/DB/5913-16 Dated: 06-10-2020 and the work was started on 18-05-2021.


Whereas, during execution of work JSC (Joint Surprise Check) was conducted by the ACB (Anti-Corruption Bureau) team Jammu on 25-05-2021 and collected Six Samples, three from site of work and three from HMP (Hot Mix Plant) site and sent these Samples to DIQC Jammu and IIT Nagrota Jammu for testing of quality/ analysis of the bituminous mix, the average of the bitumen content of these samples was found as 3%. Subsequently, ACB (Anti-Corruption Bureau) Jammu vide letter No: ACB-JSC-JSK-06/2021-26545-47 Dated: 31-12-2021 recommended for initiation of RDA (Regular Departmental Action) to GAD (General Administration Department) J&K, Jammu against delinquent Engineers, who were associated with the work in question.

Whereas, GAD (General Administration Department) vide O.M No: GAD-VIGORDA/33/2022-02-GAD Dated: 24-08-2022 addressed to Principal Secretary PW(R&B) Department recommended that fresh macadam as per the standards prevailing or mentioned in the tender document may be got laid as the work is still within Defect Liability Period and also advised to take immediate necessary action and furnish ATR to GAD.

Whereas, the Public Works (R&B) Department, Civil Secretariat, Jammu/ Kashmir vide letter No: PWD-HRM1/201/2022-05-PWD R&B DEPARTMENT (C.NO.7030754) Dated: 27-09-2022 requested Chief Engineer PWD (R&B) Jammu to furnish action taken report to this department within 07 days positively.

Whereas, as per the Chief Engineer PWD(R&B) Jammu endorsement No: CEJ/Estb/11853-54 Dated: 15-10-2022 directed the SE Jammu/ Executive Engineer Construction Division-III, Jammu to submit detailed report in the matter within two days.

Whereas, in response to the Chief Engineer PWD(R&B) Jammu's letter No: CEJ/Estb/11853-54 Dated: 15-10-2022, the concerned Executive Engineer, PWD (R&B) Construction Div-III, Jammu submitted the detailed report to the Superintending Engineer PWD(R&B) Jammu-Kathua, Circle Jammu vide letter No: 30750-51 Dated: 23-03-2023, with the recommendation that in light of IRC Specifications and J&K Schedule of rate 2012 & 2020 the BM work executed up to 25-05-2021 cannot said to be sub-standard as the average value of bitumen content as reported by ACB, PWD Lab & DIQC is 3.38% and the detailed report was further forwarded to the Chief Engineer PWD(R&B) Jammu vide letter No: SEJ/ADM/23100-23102 Dated: 31-03-2023.



Whereas, in compliance to Government Order No: 161-PW(R&B) of 2023 Dated:19-04-2023 Inquiry Officer (The Superintending Engineer, PWD(R&B), Jammu-Kathua Circle Jammu) vide letter No: SEJ/ADM/2023-24/2228-30 Dated: 13-05-2023 submitted the inquiry report alongwith recommendation in respect of Regular Department Action(RDA).

Whereas, vide letter No:PWD-HRM1/201/2022-05-PWD R&B DEPARTMENT (C.NO 7030754) Dated:17-07-2023 Inquiry Officer was requested to re-examine the case and resubmit the same with specific findings in the matter.

Whereas, the case has been re-examined thoroughly, the observations, along with specific findings and detailed report in the matter is as under:-

As per allotment No: SEJ/DB/5913-16 Dated: 06-10-2020 work was allotted to M/S Jai Lakshmi Road Builders, village Patti District Samba Prop. Sh. Atul Sharma S/O Sh. Parladh Kumar Sharma R/o Patti District Samba.

Wherein the Specific item as per above said allotment at Serial No: 2.00 which read as under:-

Providing and laying of 50MM thick (Compacted) Premix bituminous Macadam base course with stone aggregates of quality size and grading as specified in latest MoRT&H Specifications and straight run bitumen of VG-30 @ 4% by weight of total mix including Hot mixing of stone aggregate and bitumen in Hot Mix Plant , Transporting mixed material to the site & laying with paver finisher as per required profile, including cost of Priming coat / tack coat and filling patches /pot holes with BUSG / Bituminous Macadam in required level and grade, rolling with roller 8 to 10 ton capacity to achieve the required compaction and density. All complete including cost of bitumen and all sort of taxes.

Whereas, after thorough scrutiny and detailed analysis of above specific item at S. No. 2.00, it was revealed that this item is combination of two different items i.e.

(a)Providing and Laying Priming Coat/ Tack Coat.

(b)Providing and Laying 50mm thick (Compacted) Premix Bituminous Macadam.

FINDINGS:-

Whereas, as per Results of DIQC / IIT Jammu Samples taken by ACB Jammu from Site of work and Hot Mix Plant Site is 3.0% average against 3.3% (as per allotment) but as per MORTH %age of Bitumen is within minimum tolerance limit i.e 3.0%.

RECOMMENDATIONS:-

Hence the work in question is within specifications of MORTH but as the contractor has used 0.3% less bitumen, the cost of which may be deducted from his bill.

CONCLUSION:-

Thus, in light of above specific findings and recommendations wherein the work was taken up to provide approach road for Covid Hospital established by DRDO during 2nd wave of Covid-19 Pandemic in the year 2020-21, in view of urgency to inaugurate of Covid Hospital by Hon'ble LG JK (UT) on 29-05-2021. Moreover, it is pertinent to mention here during execution of said work under progress more than 50% technical staff of the department was under self- quarantine due to prevailing unfavorable circumstances, when there was great surge of Covid-19 Cases in Jammu.

Further no payment has been made till date against the said work.

Hence keeping in view all the technical calculation which are in vogue and under the permissible limits and also the urgent/ important nature of the work, it is recommended that charges levelled against all Engineers associated with the work may be dropped.

Whereas, the case was examined in the department and referred to Engineer in Chief (DCW) for comments in the matter.

The DCW returned the file with the following comments:-

"After perusal of the SoR item advertised and allotted i.e Providing and laying 50mm thick BM with bitumen content 4% by weight it is found that the item also includes the weight of the bitumen used for priming coat /tack coat. The weight of bitumen used for the tack coat is 0.75 kg /sqm which cannot be included in the bitumen content of BM.

The calculation of bitumen content after deducting the quantity used for priming coat (as per allotment) for BM comes out to be 3.3% (ref page 437) of side and as per MoRTH specifications there is a tolerance limit of $\pm 0.3\%$.

Therefore the results of tests of two samples with BC 3% & 3.2% are found to be within the prescribed limits and the third one with BC 2.8% is marginally low which may be seen in light of urgency, the prevailing conditions and circumstances at the time execution of the work."

Whereas, the Development Commissioner, (now Engineer in Chief) Works has recommended that we may drop the charges against the delinquent Engineers with a warning to be vigilant in future.



Now, therefore, in light of the above and by upholding the recommendation of Engineer in Chief and approval of competent authority, charges leveled against Sh. Shamis Din, the then AEE, Sh. Rajinder Kumar Sharma, the then AE, Sh. Yuv Raj Singh the then AE, Sh. Rakesh Radha the then JE and Sh. Saleem Malik, the then JE are dropped and RDA is hereby closed.

By order of the Government of Jammu and Kashmir.

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


No. PWD-HRM1/201/2022-05-R&B DEPARTMENT (C.No. 7030754)

Dated: 12.09.2023

Copy to the:-

1. Commissioner/Secretary to the Government, General Administration Department.
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, PW(R&B) Department, Jammu.
6. Private Secretary to Principal Secretary to Government, Public Works(R&B) Department.
7. Government Order file/Stock file.

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


(Karan Singh Aithmia)
Under Secretary to the Government