



सत्यमेव जयते

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

Subject: Initiation of RDA against (1) Mr. Arit Gupta AEE WLP/Forest Dogra Hall Complex, Jammu, and (2) Mr. Vikas Gupta JE, Forest Protection Force Jammu.

Reference.1. O.M.No. VIGORA/75/2022-02-GAD Dated 19.10.2022 and ACB-JSC-DKR-04/2018 dated. 23.03.2022

Government Order No. 432 PW(R&B) of 2022
Dated: 01.12.2022

Sanction is hereby accorded to the appointment of Er. Kishore Kumar, I/c Superintending Engineer, PW(R&B) Circle Udhampur-Reasi as Inquiry Officer to enquire into the allegations levelled against the subject.

Er.Rafiq Ahmed, I/c Assistant Executive Engineer, Forest Protection force/Forest Department Jammu shall be the Presenting officer.

The Inquiry Officer shall submit his report/findings to the Administrative Department along with recommendation within 15 days from the date of issuance of this order.

Any modification in posting shall not debar Inquiry Officer and Presenting Officer of performing their duties vide this order.

By order of the Government of Jammu and Kashmir

Sd/-

(Shailendra Kumar) IAS

Principal Secretary to the Government

Encls: 15 pages

No. PWD-HRM1/216/2022-05-Department of PWD R&B (C.No.7057953)

Dated 01.12.2022

Copy to the:-

1. Secretary to the Government, General Administration Department.
2. Director Anti Corruption Bureau, J&K.
3. OSD to Advisor(B)
4. Chief Engineer, Public Works (R&B) Department, Jammu
5. Er. Kishore Kumar, I/c Superintending Engineer, PW(R&B) Circle Udhampur-Reasi for favour of information. The copy of memorandum along with article of charges/statement of imputation and other allied documents are also enclosed herewith for perusal and further action.
6. Er.Rafiq Ahmed, I/c Assistant Executive Engineer, Forest Protection force/Forest Department Jammu The copy of memorandum along with article of charges/ statement of imputation and other allied documents are also enclosed herewith for perusal and further action.
7. Private Secretary to Principal Secretary to the Government, PW (R&B)Department.
8. Government Order file/Stock file/Monday Return.

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

(Dr.Zeba Suleman)

Under Secretary to the Government
Public works (R&B) Department

Article of Charges

Anexure-I

Whereas you (1) Er. Arit Gupta, AEE WLP/Forest Dogra Hall Complex Jammu, are hereby charged of following violations:-

- Whereas, you remained posted as Assistant Executive Engineer, WLP/Forest Jammu during the year 2017-18.
- Whereas, during your posting of as Assistant Executive Engineer WLP/Forest Jammu, in the month of November, 2017 vide e-tendering notice No 01 of 2017-18 -and No. 03 of 2018 both dated 28.11.2017. Tenders were invited by Mr. Daleep kumar Aryan then Dy. Conservator of Forests Agrostology wing. Forest Department, Jammu from approved and eligible contractors registered with erstwhile J&K State/Central Govt. Organizations for the construction of shelter sheds for nomads and live stock along the migratory routes at Sinthan Top, District Kishtwar and Shaitani Nallah, near Banihal, District Ramban, respectively and accordingly work for construction of shelter shed for nomads along the migratory routes at Shaitani Nallah, Banihal was allotted to Mr Bashir Ahmed Wani S/o Abdullah Wani R/o Kharpora Banihal vide allotment order No. 01 of 2018 issued vide no Ag/J/Tender/sheltershed/25-29 dated 08.01.2018 at the advertised cost of Rs 35.40 lacs (Negotiation by 4% less) at net offered cost of Rs 35.13 lacs and construction of shelter shed at Sinthan top. District Kishtwar was allotted to Mr. Mushtaq Ahmed Rather S/o Gh. Mohd Rather R/o Village kurya Kuchhan, Tehsil and District, Kishtwar vide allotment order no. 02 of 2018 issued vide no Ag/J/Tender/Sheltershed/80-84 dated 15.01.2018 at the advertised cost of Rs 35.20 lacs (Negotiation by 1% less) and net offered cost of Rs. 35.09 lacs both orders issued by Mr. Daleep kumar Aryan, then Deputy Conservator of Forests, Agrostology wing Forest Department, Jammu Being AEE of the Concerned department, you had submitted the estimates and also were member of the said Tender opening committee.
- Whereas, you then AEE and Mr Vikas Gupta, J.E Forest Protection Force, Jammu submitted CC 1st and CC 2nd bills amounting Rs. 34,70,638 and 34,25,344 to Mr. Daleep Kumar Aryan then Deputy

Conservator of Forests, Agrostology wing. Forest department, Jammu for release of full payment in advance in favour of contractors Sh. Bashir Ahmed Wani and Sh. Mushtaq Ahmed Rather respectively in the month of March 2018 without deducting rebate of 4% and 1% respectively from the bills of above said contractors and also without checking progress of the works achieved at both the sites as on spot inspection of the works at both the locations by VoJ (Now ACB) in association with officers of Agrostology, wing of Forest Department/ PW(R&B) on 10.04.2018 and 11.04.2018, the work was found incomplete/in progress at both the sites. The shelter shed/building was constructed up to wall plate beam i.e. construction work of walls was completed and work of trusses/Tin sheets (CGI), flooring and cement plaster work was not taken up till date of inspection by ACB at sinthan top, Kishtwar and the shelter shed building constructed at Shaitani Nallah, Banihal was found partially complete. The work of flooring, wall cement plaster, white wash/paint windows, shutter was found incomplete.

- Whereas, clear cut directions were given to you (Engineering staff) in terms and conditions of allotment order Nos. 01 of 2018 dated 08.01.2018 issued vide no. Ag/J/Tender/sheltershed/25-29 dated 08.01.2018 and order no. 02 of 2018 issued vide no Ag/J/Tender/Sheltershed/80-84 dated 15.01.2018 by then Deputy Conservator of Forests, Agrostology wing. Forest department, Jammu, that work should be executed strictly under close supervision of Engineering staff within prescribed period of 45 days. However the work was found incomplete at both the location in the month of April, when it was started in the month of January at both the sites you being field staff were directly responsible for execution of works within prescribed period of 45 days.

- Whereas, being member of the Tender opening Committee, you were well aware of the rates of item no 6 and 17 quoted in tender documents (BOQ) by contractor Mr. Mushtaq Ahmed Rather but you and JE Mr. Vikas Gupta Submitted the bills CC 1st and CC 2nd in the month of march 2018 in respect of contractor Mr. Mushtaq Ahmed Rather to Deputy Conservator of Forests, Agrostology wing, Forest department Jammu as per rates quoted vide allotment order no. 02 of 2018 issued vide no Ag/J/Tender/Sheltershed/80-84 dated 15.01.2018 by then Deputy Conservator of Forests, Agrostology wing, Forest department Jammu, where under rates of item No 6

File No. PWD-HRMI/216/2022-05-PWD R&B DEPARTEMENI (Computer No. 7057953)
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has been inflated by Rs 10/- and in item no. 17 rates had been inflated by Rs 300/- there by bills of excess amount of Rs 1,21,703/- were submitted by you to Deputy conservator of Forests and accordingly paid to the contractor Mushtaq Ahmed Rather out of Govt. Exchequer.

• Whereas, during course of JSC in reply to the query , you had intimated that quality of GI sheets used for construction of shelter sheds at Sithan top and Shaitani Nallah Banihal is of "Steel Authority of India Limited" (SAIL) make which is as per tender condition, however a committee of officers of Forest department, which was constituted on the request of ACB by Conservator of Forests, Agrostology circle, J&K Jammu vide no CFA/FST/ShelterShed/F.No29/842-49 dated 22.03.2021 submitted in their report that CGI sheets used at both sites are of 'Bhushan Shakti' brand steel and thickness of these CGI sheets used at both the sites is 0.50mm as per stamp of company, while as thickness of sheets had to be 0.63mm as per terms of contract/allotment orders issued by then Dy. Conservator of forests. Thereby and excess amount charged on account of use of lesser thickness of CGI sheets at both the sites has been calculated as Rs. 1,00,313/- by Engineering wing of ACB. In this way, you as AEE and Mr. Vikas gupta JE have not physically monitored the construction work of shelter sheds at both the sites and your this act of negligence both contractors have used inferior quality CGI sheets of lesser thickness and charged excess amount from Govt. exchequer.

• Wherea, total excess amount of Rs 2,22,016/- has been paid to both the contractors, out of which amount of Rs. 1,22,934/- released on account of inflated rates in two items (6 & 17) in allotment order issued vide no AG/J/Tender/Sheltersheds/8084 dated 15.01.2018 stands deposited back in the treasury by contractor Mr. Mushtaq Ahmed Rather after the matter was brought into the notice of agrustolgoy department by ACB during course of JSC and amount of Rs. 99,082/- is still recoverable from both the contractors on account of fixing CGI sheets of 0.50mm thickness of 0.63mm as laid down in terms and conditions of contracts.

• In this way you failed to maintain honesty and integrity in discharge of your official duties and have thus acted in a manner unbecoming of a public servant thereby violating the provisions of

Rules (3) of J&K Government Employees, Conduct rules 1971 for which disciplinary proceedings are recommended a contemplated under rule 33 of J&K Civil Services (CCA) Rules 1956.

Now, therefore you are hereby called upon to furnish your reply to the above said charges within 15 days time from the date of receipt of the Article of charges failing which it shall be presumed that you have nothing to say in your defense.


(Dr. Zeba Suleman) JKAS
Under Secretary to the Government
Public Works R&B Departement.

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Er. Arit Gupta
The then Assistant Executive Engineer
Wild Life Protection/Forest Jammu



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

Computer No:7057953 No.PWD-HRM1/216/2022-05-PWD R&B DEPARTMENT
Dated: 14.11.2022

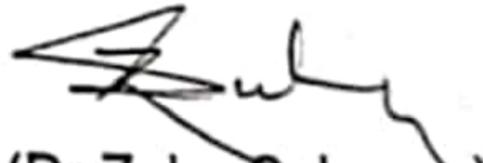
Memorandum

The Government proposes to hold an enquiry against you, the then I/c Assistant Executive Engineer WLP/Forest Jammu. The substance of the imputation of misconduct in respect of which enquiry is proposed to be held is set out in the enclosed statement of Articles of charges as Annexure-I. A statement of imputations in support of these charges is also enclosed as Annexure-II.

You, the then Assistant Executive Engineer WLP/Forest Jammu required to submit your reply within 21 days from the date of issuance of this memorandum, a written statement of defence and also to state whether you desire to be heard in person.

You are further informed that if you do not submit your written statement of defence on or before the date specified above, further action as warranted under rules shall follow ex-parte.

The receipt of this memorandum may be acknowledged.


(Dr. Zeba Suleman)

Under Secretary to the Government
Public Works R&B Department

Er. Arit Gupta
the then Assistant Executive Engineer,
WLP/Forest Jammu.

Article of Charges

Anexure-II

Whereas you (1) . Er. Vikas Gupta, JE Forest Protection Force Dogra Hall Complex' Jammu, are hereby charged of following violations:-

- Whereas, you remained posted as Junior Engineer, WLP/Forest Jammu during the year 2017-18.
- Whereas, during the your posting as Junior Engineer WLP/Forest Jammu, in the month of November , 2017 vide e-tendering notice No 01 of 2017-18 -and No. 03 of 2018 both dated 28.11.2017. tenders were invited by Mr. Daleep kumar Aryan then Dy. Conservator of Forests Agrostology wing. Forest Department, Jammu from approved and eligible contractors registered with erstwhile J&K State/Central Govt. Organizations for the construction of shelter sheds for nomads and live stock along the migratory routes at sinthan Top, District kishtwar and shaitani Nallah, near Banihal, District Ramban, respectively and accordingly work for construction of shelter shed for nomads along the migratory routes at shaitani Nallah, Banihal was allotted to Mr Bashir Ahmed Wani S/o Abdullah Wani R/o Kharpora Banihal vide allotment order No. 01 of 2018 issued vide no Ag/J/Tender/sheltershed/25-29 dated 08.01.2018 at the advertised cost of Rs 35.40 lacs (Negotiation by 4% less) at net offered cost of Rs 35.13 lacs and construction of shelter shed at sinthan top. District Kishtwar was allotted to Mr. Mushtaq Ahmed Rather S/o Gh. Mohd Rather R/o Village kurya Kuchhan, Tehsil and District, Kishtwar vide allotment order no. 02 of 2018 issued vide no Ag/J/Tender/Sheltershed/80-84 dated 15.01.2018 at the advertised cost of Rs 35.20 lacs (Negotiation by 1% less) and net offered cost of Rs. 35.09 lacs both orders issued by Mr. Daleep kumar Aryan, then Deputy Conservator of Forests, Agrostology wing Forest Department, Jammu
- Whereas, you and Mr, Arit Gupta, then AEE submitted CC 1st and CC 2nd bills amounting Rs. 34,70,638 and 34,25,344 to Mr. Daleep Kumar Aryan then Deputy Conservator of Forests, Agrostology wing. Forest department, Jammu for release of full payment in advance in favour of contractors Sh. Bashir Ahmed Wani and Sh. Mushtaq Ahmed Rather respectively in the month of March 2018 without deducting rebate of 4% and 1% respectively from the bills

of above said contractors and also without checking progress of the works achieved at both the sites as on spot inspection of the works at both the locations by Vol (Now ACB) in association with officers of Agrostology, wing of Forest Department/ PW(R&B) on 10.04.2018 and 11.04.2018, the work was found incomplete/in progress at both the sites. The shelter shed/building was constructed up to wall plate beam i.e. construction work of walls was completed and work of trusses/Tin sheets (CGI), flooring and cement plaster work was not taken up till date of inspection by ACB at sinthan top, Kishtwar and the shelter shed building constructed at Shaitani Nallah, Banihal was found partially complete. The work of flooring, wall cement plaster, whitewash/paint windows/shutter was found incomplete.

- Whereas, clear cut directions were given to you (Engineering staff) in terms and conditions of allotment order Nos. 01 of 2018 dated 08.01.2018 issued vide no. Ag/J/Tender/sheltershed/25-29 dated 08.01.2018 and order no. 02 of 2018 issued vide no Ag/J/Tender/Sheltershed/80-84 dated 15.01.2018 by then Deputy Conservator of Forests, Agrostology wing, Forest department, Jammu, that work should be executed strictly under close supervision of engineering staff within prescribed period of 45 days. However the work was found incomplete at both the location in the month of April, when it was started in the month of January at both the sites you being field staff were directly responsible for execution of works within prescribed period of 45 days.

- Whereas, tender were invited through E-NIT and documents such as BOQ Submitted by the contractors were available on internet, as such being J.E of the concerned department. you were well aware of the rates of item no 6 and 17 quoted in tender documents (BOQ) by contractor Mr. Mushtaq Ahmed Rather but you and Mr. Arit Gupta AEE, Submitted the bills CC 1st and CC 2nd in the month of march 2018 in respect of contractor Mr. Mushtaq Ahmed Rather to Deputy Conservator of Forests, Agrostology wing, Forest department Jammu as per rates quoted vide allotment order no. 02 of 2018 issued vide no Ag/J/Tender/Sheltershed/80-84 dated 15.01.2018 by then Deputy Conservator of Forests, Agrostology wing, Forest department Jammu, where under rates of item No 6 has been inflated by Rs 10/- and in Item no. 17 rates had been inflated by Rs

300/- there by bills of excess amount of Rs 1,21,703/- were submitted by you to Deputy conservator of Forests and accordingly paid to the contractor Mushtaq Ahmed Rather out of Govt. Exchequer.

• Whereas, as per condition no. 13/14 "b" of both the tender documents, quality of CGI sheets to be used for construction of shelter sheds at Sinthan Top and Shaitani Nallah Banihal was of SAIL TATA TISCON, RASHTRIYA ISPAT or equivalent brand and specified thickness of CGI Sheets to be used was .63 mm. however a committee of officers of Forest department, which was constituted on the request of ACB by Conservator of Forests, Agrostology circle, J&K Jammu vide no CFA/FST/ShelterShed/F.No29/842-49 dated 22.03.2021 submitted in their report that CGI sheets used at both sites are of 'Bhushan Shakti' brand steel and thickness of these CGI sheets used at both the sites is 0.50mm as per stamp of company, while as thickness of sheets had to be 0.63mm as per terms of contract/allotment orders issued by then Dy. Conservator of forests. Thereby and excess amount charged on account of use of lesser thickness of CGI sheets at both the sites has been calculated as Rs. 1,00,313/- by Engineering wing of ACB. In this way, you and JE have not physically monitored the construction work of shelter sheds at both the sites and your this act of negligence both contractors have used inferior quality CGI sheets of lesser thickness and charged excess amount from Govt. exchequer.

• Whereas, total excess amount of Rs 2,22,016/- has been paid to both the contractors, out of which amount of Rs. 1,22,934/- released on account of inflated rates in two items (6 & 17) in allotment order issued vide no AG/J/Tender/Sheltersheds/8084 dated 15.01.2018 stands deposited back in the treasury by contractor Mr. Mushtaq Ahmed Rather after the matter was brought into the notice of agrostology department by ACB during course of JSC and amount of Rs. 99,082/- is still recoverable from both the contractors on account of fixing CGI sheets of 0.50mm thickness of 0.63mm as laid down in terms and conditions of contracts.

• In this way you failed to maintain honesty and integrity in discharge of your official duties and have thus acted in a manner unbecoming of a public servant thereby violating the provisions of Rules (3) of J&K Government Employees, Conduct rules 1971 for

which disciplinary proceedings are recommended and contemplated under rule 33 of J&K Civil Services (CCA) Rules 1956.

Now, therefore you are hereby called upon to furnish your reply to the above said charges within 15 days time from the date of receipt of the Article of charges failing which it shall be presumed that you have nothing to say in your defense.


(Dr. Zeba Suleman) JKAS
Under Secretary to the Government
Public Works R&B Department.

Er. Vikas Gupta
The then Junior Engineer
Wild Life Protection/Forest Jammu





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Government of Jammu and Kashmir
Public Works (R&B) Department
(HRM)

Civil Secretariat, Jammu

Computer No 7057953 No PWD-HRM1/216/2022-05-PWD R&B DEPARTMENT
Dated: 14.11.2022

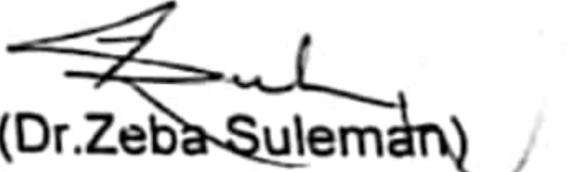
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The Government proposes to hold an enquiry against you, the then I/c Junior Engineer WLP/Forest Jammu. The substance of the imputation of misconduct in respect of which enquiry is proposed to be held is set out in the enclosed statement of Articles of charges as Annexure-I. A statement of imputations in support of these charges is also enclosed as Annexure-II.

You, the then Junior Engineer WLP/Forest Jammu required to submit your reply within 21 days from the date of issuance of this memorandum, a written statement of defense and also to state whether you desire to be heard in person.

You are further informed that if you do not submit your written statement of defense on or before the date specified above, further action as warranted under rules shall follow ex-parte.

The receipt of this memorandum may be acknowledged.


(Dr. Zeba Suleman)

Under Secretary to the Government
Public Works R&B Department



Er. Vikas Gupta
the then Junior Engineer,
WLP/Forest Jammu.

Statement of imputation in JSC UDKR- 04/2018 dated 09.04.2018

The instant JSC was conducted in UDKR wing of VOJ in pursuance to Central Office Vigilance Organization, J&K (now ACB J&K) Order No. VO-JSC-UDKR-04/2018-5418 dated 09.04.2018 with the allegations that officers/officials of Forest department have drawn payments in advance on account of construction of shelter sheds at Sinthan Pathri, Kishtwar and Shaitani Nallah, Banihal, District Ramban in the month of March 2018 without completion of construction work.

During the course of JSC, on 10.04.2018 in compliance to Movement order no. SSP/JSC/2018/114/VOJ issued by then SSP(UDKR) VOJ, team of Vigilance organization, Jammu (now ACB) in association with officers of Agrostology wing of Forest Department, Division Doda/ Kishtwar/JEs of PWD(R&B) Kishtwar conducted spot inspection of shelter shed for Nomads and live stock at Pathri, Watsar, Sinthan Top, tehsil Shatruo, District Kishtwar. During spot inspection, it was found that work of shelter shed for Nomads/ live stock at Sinthan Top was still under construction and in progress. The shed/building had been constructed up to wall plate beam i.e , the construction of walls had been completed and Trusses, tin sheets (CGI), flooring and cement plaster work was yet to be completed. Photographs of shelter shed including construction material i.e Sand, Bajri, trusses and CGI sheets were taken on spot. The work was not completed within prescribed period of 45 days as per terms and conditions of contract.

Next day, i.e. on 11.04.2018, spot inspection of shelter shed for nomads/live stocks constructed on the old road, near Shaitani Nallah, Jawahar Tunnel, Banihal, was conducted by VOJ team (now ACB) in association with officers of Agrostology wing of Forest Department, Ramban /JEs of PWD(R&B) Sub division, Banihal and the work at the said site was also found partially complete. The work of flooring, wall cement plaster and white wash/paint, windows, shutter was incomplete. The shelter shed had been constructed of stones/cement. The roof of the shelter shed had been constructed of steel trusses and CGI sheets. The work was allotted in the month of January 2018 and construction work was started in the same month at both the sites. Photography of both the sites was also conducted during course of spot inspection

During course of Joint Surprise Check(JSC), it came to fore that vide Tender notice e- NIT No. 01 of 2017-18 and No. 03 of 2017-18 both dated 28.11.2017, tenders were invited for the construction of Shelter sheds for nomads and live stock along the migratory routes at Sinthan Top, District Kishtwar and Shaitani Nallah, near Banihal, District Ramban respectively by Mr. Daleep Kumar Aryan, then Deputy Conservator of Forests, Agrostology wing, Forest Department Jammu and accordingly work for construction of shelter shed for Nomads along the migratory routes at Shaitani Nallah, Banihal was allotted to Mr. Bashir Ahmed Wani S/O Abdullah Wani R/O Kharpora, Banihal vide allotment order No. 01 of 2018 issued vide No. Ag/J/Tender/Sheltershed/25-29 dated 08.01.2018 at the advertised cost of Rs.35.40 lacs(Negotiation by 4% less) at net offered cost of Rs.35.13 lacs and construction of shelter shed at Sinthan Top, District Kishtwar was allotted to Mr. Mushtaq Ahmed Rather S/O Sh. Ghulam Mohd. Rather R/O village Kurya Kuchhan, Tehsil and District, Kishtwar vide allotment order no. 02 of 2018 issued vide No. Ag/J/Tender/Sheltershed/80-84 dated 15.01.2018 at the advertised cost of Rs 35.20 lacs(Negotiation by 1% less) and net offered cost of Rs. 35.09 lacs, both orders issued by Mr. Daleep Kumar Aryan, then Deputy Conservator of Forests, Agrostology. wing Forest department Jammu

Enquiry conducted into the matter further revealed that Mr. Daleep Kumar Aryan, then Deputy Conservator of Forests, Agrostology wing of Forest department Jammu released payment of Rs.34,25,344/- and Rs.34,70,638/- in advance to the contractors, Mr. Mushtaq Ahmed Rather and Mr. Bashir Ahmed Wani respectively in the month of March 2018, when work had not been completed within the stipulated period of 45 days as per terms and conditions of contract and also the work was still incomplete/in progress at both the locations without deducting negotiated rebate of 1% and 4% respectively from the gross bills of both the contractors.

During the course of JSC, it also revealed that the (I) rate for reinforcement of RCC work including straightening, cutting, bending, placing in position and binding all complete cold twisted bars (item No.06) allotted vide allotment order no.Ag/J/Tender/Shelter Shed/80-84 dated 15-01-2018 has been given as Rs. 110/Kg

whereas, the contractor Mushtaq Ahmed Rather had quoted Rs 100/Kg for the said item in his tender documents (BOQ). on account of this excess rate of Rs 10/Kg has been allotted by then Deputy Conservator of forests, Agrostology wing, Forest Department, Jammu and the same has been charged as per allotted rate. By this, an excess amount of Rs 18,514/- has been paid to contractor Mushtaq Ahmed Rathar S/o Ghulam Mohd. Rather R/O Village Kurya Kuchhan, tehsil & District Kishtwar by the Agrostology wing of Forest department Jammu.

(2) The rate for providing corrugated G S sheet roofing fixed with Polymer coated JRL hooks, bolts and nuts 8mm diameter with bitumen and GI limpet washers filled with white lead and including a coat of approved steel primer and two coats of approved paint on the overlapping of sheets complete (up to a pitch of 60 degrees) including the cost of purins, rafters and trusses, 0.63 mm thick with Zinc coating not less than 275gm/m² (item No.17) vide allotment order No. Ag/J/Tender/Shelter Shed/80-84 dated 15-01-2018 has been given as Rs. 1000/sqm, whereas, the contractor Mr. Mushtaq Ahmed Rather had quoted 700/sqm. In his tender documents (BOQ). In this way, an excess rate of Rs.300/sqm. has been allotted by then Deputy Conservator of Forests, Agrostology wing, Forest department, Jammu as compared to the rate quoted by the contractor and the payment has also been made as per allotted rate. So an excess amount of Rs.1,03,189/- has been paid to the above said contractor on this account also.

Besides, as per Notice Inviting Tender condition No.13/14 (b), it was stipulated that contractor shall arrange Steel of "SAIL, TATA TISCON, RASHTRIYA ISPAT" or equivalent brand and as per tender documents, corrugated G.S sheet roofing of 0.63 mm thickness were to be used at both construction sites i.e Sinthan Pathri Kishtwar and Shaitani Nallah, Banihal. However, during course of JSC, it came to fore that CGI sheets of "Shakti brand steel" of 0.50mm thickness have been used at both the construction sites, when it had been intimated by AEE, Engineering wing, Forest department, Jammu vide his office communication No.AEE/2018-19/135 dated 21.03.2019, that quality of G.I sheets used for the construction of shelter sheds at SinthanTop and Shaitani nallah, Banihal is of "Steel Authority of India Ltd". (SAIL).

During course of JSC, on the written request of ACB, a committee was constituted by Conservator of Forests, Agrostology Circle, J&K vide No.CFA/FST/Sheltershed/F No.29/842-49 dated 22.03.2021 to check the quality/thickness of GI sheets used during construction of shelter sheds at Sinthan Top/ Shaitani Nallah, Banihal and accordingly the spot inspection report submitted by the said committee which was furnished to ACB by Dy. Conservator for Forests, Agrostology wing, Forest department Jammu vide letter No.AG/J/Sheltershed/18-20 dated 09.04.2021, reveals that CGI sheets of "Bhushan Shakti" brand steel of thickness 0.50 mm have been used at both the sites, while as at the time of making payment to both the contractors, the thickness of 0.63 mm has been charged/paid and in this way excess amount of Rs.1,00,313/-has been charged from the Govt. exchequer as per the calculations made by Engineering wing of ACB.

As such, total excess amount charged amounts to [(Rs.18514)+(Rs 1,03,189) + (Rs.100313)] = Rs. 2,22,016/-out of which payment of Rs.1,22,934/-stands deposited in the treasury by Contractor Mushtaq Ahmed Rather vide treasury voucher dated 10.02.2020 after it was detected by ACB during course of JSC that rates of two items have been enhanced in Allotment order No. 02 dated 15.01.2018 issued vide No. Ag/J/Tender/sheltershed/80-84 dated 15.01.2018 by Mr. Daleep Kumar Aryan, then Deputy Conservator of Forests Agrostology wing, Forest department, Jammu and Rs. 99,082/- is still recoverable from both the contractors on account of fixing of CGI sheets of 0.50 mm thickness instead of 0.63 mm as laid down in terms and conditions of contracts.

During course of JSC, it also revealed that no formal approval for the change of site from the higher authorities was obtained by then Deputy Conservator of Forests, Agrostology wing, Forest department Jammu before shifting the construction site of nomadic shelter shed at Shaitani nallah, Banihal to new location, although during shifting of site, the excess earth work excavation by mechanical means was required.

Therefore, by acting in the aforesaid manner 1. Mr. Daleep Kumar Aryan S/O Late Sh. Kurj Lal R/O Village Kuleed Lachkhazana A/P H. No 73-C, Lane No 30

Bhawani Nagar Jammu, then Dy. Conservator of Forests, Agrostology wing, Forest department Jammu (now retired) (2) Mr. Anil Gupta S/O late Sh. Prem Nath Gupta R/O H. No. 224-A, Sector-2, Channi Himmat, Jammu, then AEE, WLP/Forest, Dogra Hall Complex, Jammu and 3. Mr. Vikas Gupta S/O Sh. Krishan Kumar R/o Ward No. 3, Ramnagar, District Udhampur, then Junior Engineer Forest Protection Force, Jammu have failed to maintain absolute honesty/integrity in performance of their duties, thus acted in manner unbecoming of public servant, thereby violating the provisions of rule 3 of J&K employees (conduct) rules 1971, for which disciplinary proceedings as contemplated under rule 33 and 34 of J&K Civil Services(CCA) rule 1956 is recommended to be initiated against them.