



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

Subject: PE-SLKB-12/2020 & JSK-07/2020-Issuance of warning to the delinquent Engineers.

**Government Order No : 434-PW(R&B) of 2023
Dated: 31 .10.2023**

Whereas, the General Administration Department forwarded a communication No.ACB-PE-SLKB-12/2020-1409-10 Dated: 22.01.2022, of Anti Corruption Bureau J&K alongwith draft article of charges for further necessary action in the matter.

Whereas, GAD vide this communication intimated that a preliminary enquiry was conducted by ACB of different divisions of PWD (R&B) against engineers who macadamized the roads during 2015-2019 in Jammu & Kashmir and thereby created unpaid work-done liabilities on account of macadamization of roads for the period 2015-16 to 2018-19.

Whereas, the ACB in the instant PE, alleged as under:-

- i. That many works were executed without accord of Administrative approval.
- ii. That works were executed beyond the estimated costs without due concurrence.
- iii. That in some cases it was observed that works have been executed without tenders.

Whereas, the GAD/ACB had advised this Department to initiate RDA against the 96 delinquent Engineers.

Whereas, the GAD/ACB did not categorize the omission and commissions of the engineers who were associated with the work. Therefore, the matter was taken up with GAD vide O.M.No. PW(R&B)HRM/30/2021 dated: 30.04.2021.

Whereas, consequently the GAD vide U.O. No. GAD-VIGOMISC/12 / 2021-22-GAD dated: 27.05.2022, conveyed its decision/direction on the subject to this Department for categorization of engineers as per the magnitude of their delinquency.

Whereas, as per the direction of the GAD, 96 Engineers were categorized into three categories, based on extension of work less than 10%, extension of works beyond 10% and execution of non tendered/non approved works.

Whereas, after categorizing of the Engineers, this Department informed the GAD vide O.M. No. PWD-HRM1/123/2021-05-Department of PWD R&B(C.No. 70770) dated: 03.06.2022, and also shared its proposed course of action in the instant matter.

Whereas, GAD constituted a committee vide G.O. No. 18-JK-GAD(Vig) of 2023 dated: 13.03.2023 to examine the modalities submitted by PW(R&B) in connection with the said PE and to suggest a suitable course of action against the accused Engineers as recommended by the ACB.

Whereas, thereafter, the GAD vide O.M. No. GAD-VIGOMISC/12/2021-02-GAD intimated that the committee constituted for the purpose submitted its report on 26.04.2023, with the following recommendations:

i. *"In case of works which have been executed without inviting tenders or extensions have been made without approval or validation from Competent Authority, a regular departmental action may be initiated against the responsible engineers for violation of codal formalities and causing serious irregularities.*

ii. *In case of works which have been executed after floating of tenders and thereafter scope of work has been extended with approval from the appropriate authorities, a formal warning may be administered upon all such engineers for not obtaining prior AA/TS, which, however has been accorded post-facto."*

Whereas, the GAD further intimated that the report/recommendations of the committee were placed before the Competent Authority, who accepted the aforesaid recommendations with the following addition:-

"Provided that the senior Authority had the competence to approve such extensions in accordance with Financial Code/Rules in vogue. However, such extensions should have not led to the change in scope of work or were violative of CVC guidelines."

Whereas, the case was examined as per the above directions conveyed by GAD and viz a viz article of charges received from GAD/ACB against each Engineer.

Whereas, out of total 96 Engineers, 69 have attained superannuation and are beyond the purview of Article 168-A of JKCSR, and 27 are still under the ambit of Article 168 A of JKCSR.

Whereas, vide Government Order NO. No.309-PW(R&B) of 2023 dated 27.07.2023, followed by corrigendum NO. 383-PW(R&B) of 2023 dated 20.09.2023 with the approval of competent authorities, the case of in respect of 16 engineers was closed with a strict warning to remain careful in future while discharging duties and to strictly adhere to the codal formalities prescribed under GFR-2017 and in respect of 68 Engineers, competent authority has expressed his displeasure to those who attained superannuation and were beyond the ambit of Article 168-A, JKCSR.

Whereas, vide Government Order No.309-PW (R&B) of 2023 dated 27.07.2023 Er. Parkash Chander Tanoch, Development Commissioner Works (Now EIC), PW(R&B) Department was appointed as Inquiry Officer to enquire into the allegations leveled against 10 delinquent Engineers including Er Parshotam Kumar Phonsa and Er.K. S Nathyal. Er. Saleem-ul-Saba, I/C Superintending Engineer PW(R&B) Jammu-Kathua Circle shall be the presenting officer in the case.

Whereas, ACB, alleged that two works in PWD(R&B) Division Basholi were executed beyond 10% extension and two works executed without tendering by Er. Parshotam Kumar Phonsa, the then Executive Engineer PW(R&B) Division Basholi.

Whereas, Engineer in Chief (EIC) Inquiry Officer in respect of Er. Parshotam Kumar Phonsa as Executive Engineer PW(R&B) Div Basholi, reported as under:

31.10.2023

"none of the subject works were non tendered and have not involved in approval for change of roads, execution and approval for excess quantities during his tenure period, as the joining of Executive Engineer PW(R&B) Div Basholi is 13.06.2017 to 20.07.2018."

Whereas, in respect of Er. Kuldeep Singh Nathyal, the then Executive Engineer PW(R&B) Division Samba, the ACB alleged that the said Engineer executed 7 tendered works of PW(R&B) Division Samba, which are beyond 10% extension.

Whereas, in respect of Er. Kuldeep Singh Nathyal the then Executive Engineer PW(R&B) Division Samba, Engineer in Chief (DCW) Inquiry Officer reported as under:

"in all the seven alleged works, Er. Kuldeep Singh Nathyal, the then Executive Engineer PW(R&B) Deptt. Division Samba, have taken the approval from the Competent Authorities, for three works from the Chief Engineer PW (R&B) Department Jammu and for four other works from Superintending Engineer (Jammu-Kathua Circle) Jammu."

The Inquiry Officer recommended that the deptt/ may absolve aforementioned two engineers of the charges leveled against them as these Engineers have worked with honesty and dedication and also recommended for the dropping of the charges.

Now, therefore, in light of the above and by upholding the recommendation of Engineer in Chief (DCW), with the prior approval of the Competent Authority, the allegations leveled against the following engineers are dropped and case is hereby closed with warning to remain cautious, vigilant and careful in future while discharging duties.

1. Er. K.S Nathyal, the then Xen R&B Division Kathua
2. Er. Parshotam Kumar, the then Xen R&B Basohli.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shailendra Kumar), IAS
Principal Secretary to the Government

No. PWD-HRM1/123/2021-05

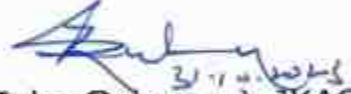
Dated 31.10.2023

Copy to the:-

1. Commissioner Secretary to Government General Administration Department. This is with reference to O.M. No. GAD-VIGOMISC/12/2021-02-GAD Dated: 20.06.2023
2. Engineer in Chief PW(R&B) Department.
3. Director Archaeology, Archives & Museum, J&K, Jammu.
4. Director Anti Corruption Bureau, J&K for information.
5. Chief Engineer PW (R&B) Department Jammu/Kashmir
6. Special Assistant to the Hon'ble Advisor (B) for Information.
7. Concerned.
8. Private Secretary to the Principal Secretary to the Government, PW (R&B) Department
9. Incharge website, PW (R&B) Department.

Copy also to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, GOI.



(Dr. Zeba Suleman), JKAS

Under Secretary to the Government