



Government of Jammu & Kashmir
Public Works (R&B) Department
Civil Secretariat, J&K

Subject: Initiation of RDA against Mr. Sunil Gupta, then Executive Engineer, PWD (R&B) Division, Mahore.

Government Order No. 445-PW(R&B) of 2023
Dated: 2.11.2023

Whereas, the General Administration Department vide O.M. No. GAD (Vig)53-RDA/2014 dated 29.08.2014, forwarded a copy of communication No. SVO/PWD-G.17/2011-10287-89 dated 21.07.2014 of VO (now ACB), 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 Er. Sunil Gupta, the then Executive Engineer, PWD, R&B Division, Mahore.

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

1. A link road from Sunchal Gali (Thuroo) to Arnas river site about 1.5 KM in length and expenditure made is 40 lacs.
2. Road from Kund Morh (Thuroo) to upper Chellad and had been taken up beyond RD 800 and expenditure made is Rs. 2.5 lacs.
3. Retaining walls from Dharmari to Thuroo are being constructed at different points, expenditure made is 25 to 30 lacs.
4. Road at Phoni (Budhal) is passing through paddy fields and the department has charged @70% for hard rocks.

Whereas, during the course of enquiry, it has been found that the above mentioned works have been executed departmentally without following the codal formalities & issuance of NIT. Further, the administrative approval which was not obtained in advance for execution of the works, was later approved post-facto. In the above said works, technical sanctions were accorded by Shri Sunil Gupta, then Executive Engineer, PWD R&B Division, Mahore, Reasi and the payment was also made to the contractor, who had been allotted the works and executed the said works without obtaining AAA from the competent authority. Subsequently post-facto approval for executing the works through department was sought from the competent authority.

Whereas, the case of the Engineer was examined in the department and subsequently, vide communication dated 28.10.2014, Article of Charges were served to accused Engineers through Chief Engineer, PMGSY (JKRRDA), Jammu.

Whereas, the delinquent Engineer submitted his reply to the article of charges, the same were examined in the department.

Whereas, vide Government Order No. 259-PW(R&B) of 2015 dated 05.10.2015, Er. Manzoor Hussain, I/c CE, PMGSY (JKRRDA) Jammu and Er. Devinder Singh, I/c Executive Engineer, R&B Division, Mahore, Reasi were appointed as Inquiry Officer and Presenting Officer respectively into the matter, but for a long period no any wayout has was made in the matter. However, in supersession of Government order No. 259-PW(R&B) of 2015 dated 05.10.2015 vide Government Order No. 185-PW(R&B) of 2020 dated 22.06.2020, Er Manzoor Hussain, I/c CE, PMGSY (JKRRDa), Jammu ad Er. Devinder Singh, I/c Executive Engineer, R&B Division Mahore, were appointed as Inquiry Officer and Presenting Officer to conduct enquiry in respect of allegations leveled against Er. Sunil Gupta, the then Executive Engineer, PW(R&B) Division, Mahore.

Whereas, vide communication No. CEJ/PMGSY/5167-68 dated 22.08.2020, the Inquiry Officer reported that:-

"the relevant record pertaining to the enquiry and the Executive Engineer in reply vide his letter No. PWD-SSDM/Accts/2020-21/836-37 dated 09.09.2020 intimated that all the record pertaining to this enquiry has been submitted to Vigilance Organization but appended seven sheets of hand receipts only with his communication. Further, the Executive Engineer vide his letter No. PWD/SSDM/Accts/2020-21 /1849 dated 02.11.2020 submitted copies of SRO-117 and SRO-153 regarding deduction of GST from the bills. The Executive Engineer, PWD, R&B , Division, Mahore District Reasi was again advised to submit record of four No. works under reference vide this office No. CEJ/PMGSY/17986 dated 08.02.2021 and in response to it the Executive Engineer vide his letter No. PWD/SSDM/Accts/2020-21/2569 dated 16.02.2021 furnished vouchers of these works with the remarks that vouchers enclosed are as per record available. After scrutinizing these vouchers, this office vide letter No. CEJ/PMGSY/21310 dated 08.03.2021 asked Er. Sunil Gupta, the then Executive Engineer for reply to article of charges and he furnished his reply on 15.03.2021. During perusal of available record, the following observations were made by the Inquiry Officer:

- I. As far as construction of road from Souchal Gali (Thuroo) to Anus River sits about 1.50 Km length, it was observed that construction of this road should have been taken up through tendering as 1.50 km length cannot be taken in hand for construction on the basis of emergent nature to provide connectivity to large number of people through expenditure incurred seems genuine.
- II. Regarding incurring of expenditure of 2.50 lacs for construction of R/Wall beyond RD 800 on road from Khud Morh (Thuroo) to upper Chillad, it has been observed that the work executed was for permanent restoration of road as observed during site visit and there was



requirement of construction of R/Wall to restore the said connectivity on war footing . Accordingly, all the codal formalities were completed later on.

- III. Regarding construction of R/Walls on road from Dharmari to Thuroo for an amount of Rs. 25.00 lacs to Rs. 30.00 lacs, it was observed that tendering process was needed to be undertaken for taking up even these emergent nature of works as considerable amount was incurred.
- IV. Regarding construction of road namely Phalini to Tulli Banna by way of earthwork excavation and charging of 70% hard rock though the road passes through paddy fields, it has been observed that hard rock charged @ 35%, soft rock @25% and Hard Soil @40% as per available vouchers. During his site visit, it has been observed that hard rock charged @35% regarding classification of soil passes but the assessment regarding classification of soil made by investigating officer of State Vigilance Officer (SVO) seems to be incorrect.
- V. From the perusal of record made available and the observation recorded above, it can be concluded that though all works were not emergent nature and were required to be executed by adopting tendering process but it is also a fact that only the then Executive Engineer has been held responsible whereas, the works were executed at site with consent of concerned Field Engineers and paid after authentication from Drawing Brach as well Accounts Brach. It is pertinent to mention here that all the works whether tendered or taken up departmentally are executed and paid by whole team and as such single officer/official cannot be held responsible solely.
- VI. Regarding taken up of works departmentally thus violating codal formalities , it has been observed that though the works were got executed without undertaking tendering process but no financial loss to state exchequer seems caused and necessary approvals required for making payments were accorded post facto from the Competent Authority. Site visiting photographs are also available in the file."

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:-

"the reasons for not inviting tenders for the works was sought from the Executive Engineer Mahore who sought the reply from the delinquent officer. In reply the delinquent officer has stated that there was a routine practice of execution of urgent works departmentally. The work Road from Sounchal Gali to Ans was taken up departmentally for execution fo the work on priority on the demand of local public and political authorities due to ensuing inclement weather in the area at that time. The work was got executed at the rates lesser than prevailing rates in the area.

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The construction of R/wall on road from Darmari to Thuru was taken up departmentally for restoration of road of frequent damages due to slips. Slides for smooth flow traffic. He has further stated that necessary approval for the same stands accorded by the then Superintending Engineer Udhampur."

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

Now, therefore, terms of Rule 30(i) of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, Er. Sunil Gupta, the then Executive Engineer, PWD R&B Division, Mahore is hereby censured for execution of works without tenders and case is hereby closed.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shailendra Kumar) IAS
Principal Secretary to the Government
Public Works (R&B) Department
Dated: 2.11.2023

No PWD-RDA/24/2021-01

Copy to the:-

1. Commissioner/Secretary to the Government, General Administration Department.
2. Engineer in Chief , PW(R&B) Department,
3. Director, Anti Corruption Bureau, JK.
4. Director Archives, Archaeology & Museum, J&K.
5. Chief Engineer, PW (R&B) Department, Jammu.
6. Chief Engineer PMGSY (JKRRDA) , Jammu
7. Private Secretary to the Principal Secretary to Government, Public works (R&B Department.
8. Government Order file/stock file.

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

(Shahid Mehmood)JKAS
Additional Secretary to the Government
Public Works (R&B) Department