



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

Subject: Initiation of Regular Departmental Action against R. K. Handoo, Sh. S.A.Chasti, Sh. Amresh Raina, then Chief Engineers of Mechanical Engineering Department, Kashmir and Sh. Shafat Ahmad Jeelani, Sh. Ravi Kumar and Sh. Mohammad Altaf Rather, then Executive Engineers of Mechanical Engineering Division Baramulla. (Veri-SLK-17/2013).

Ref. I. No.GAD(Vig)08-RDA/2017 dated 04.03.2021
II. No.GAD-VIGORDA/28/2021-02-GAD dated 18.10.2021.

Government Order No: 50 PW(R&B) of 2022
Dated: 8.02.2022

Whereas, the General Administration Department vide O.M No. GAD(Vig)08-RDA/2017 dated 22.02.2017 has forwarded a communication No. VO- Veri-SLK-17/2013-1327-28 dated 25.01.2017 of along with Article of Charges, Statement of Imputation and gist of evidences against the above named Engineers for initiating departmental action as recommended by the Vigilance Organization J&K (Now ACB) as per the mandate of J&K Civil Services (Classification Control & Appeal) Rules, 1956 with the approval of the Disciplinary Authority.

Whereas, the vigilance Organization (now ACB) vide ibid communication intimated that the instant verification was conducted inter-alia into the allegations that Executive Engineer, Mechanical Div. MED, Shalteng Srinagar had purchased roller machines, just for the sake of commission as no work was being taken from said machines, the macadam plant of Mechanical Division Baramulla worth crores of rupees was operational for one year only and thereafter the same was closed and was in ruins at that time. Further, during the course of verification, it was found that most of the allegations were not substantiated except one that departmental Hot Mix Plant at Baramulla, which was that time laying idle as its utility depended upon the allotment of road construction works from the R&B Wing and advance allotment of funds from the department. It was further found that no concrete steps were taken to revive its functioning and the plant was left to die its own death.

Whereas, the Article of Charges, Statement of Imputation and gist of evidence were served to the above accused engineers through concerned Chief Engineer vide letter No. PW(R&B) HRM/09/2017-Vig dated 31.05.2017 except to Shri R.K. Handoo, Sh. S.A. Chasti and Shri Ravi Kumar who attained superannuation in the year 2013, 2014 and 2013 respectively and were beyond the purview of Article 168(A) of JKCSR.

Whereas, the above mentioned engineers submitted reply to Article of Charges vide various communications.

Whereas, the case was examined in the department and vide Government Order No.51-

PW(R&B) of 2019 dated 21.01.2019, a committee headed by Development Commissioner (Works) PW(R&B) Department was constituted to look into the matter.

Whereas, the committee reported that all the three alleged officer i.e Mr. Amresh Raina, the then Chief Engineer, MED Kashmir, Mr. Shafat Ahmed Jeelani, the then Executive Engineer, MED Baramulla and Mr. Mohammad Altaf Rather, the then Executive Engineer, MED Baramulla need to be exonerated from the charges leveled against them, as it was responsibility of intending department to assign work to the Hot Mix Plant established by MED.

Whereas, on the recommendation of committee and with the approval of competent authority, the case was closed vide Government Order No.501-JK PW(R&B) of 2019 dated 03.12.2021.

Whereas, vide communication No.GAD(Vig)08-RDA/2017 dated 04.03.2021 addressed to Director ACB, J&K, Jammu under intimation to this Department, the case in respect of Er. Shafat Ahmad Chishti, Romesh Kumar Handoo and Er. Ravi Kumar was closed in terms of Article 168-A of J&K CSRs.

Whereas, vide communication No.GAD-VIGORDA/28/2021-02-GAD dated 18.10.2021, the General Administration Department intimated that the procedure adopted in the case was examined in the department in consultation with the Department of Law, Justice and Parliament Affairs. The Department of Law, Justice and Parliament Affairs advised as under:-

"Rule 33(4) of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 provide that the competent authority may inquire into the charges itself or may appoint an inquiry officer for the purpose. The expression "an Inquiry Officer" has not been defined in the said rules, however plain language used in the aforesaid rule connotes that it is "an Officer (singular)" which can be appointed by the Competent Authority and not a "Committee of officers" for conducting an inquiry.

In contrast to this, sub rule (2) of rule 14 of the Central CCA Rules provide that the Competent Authority may appoint an authority to inquire into the truth. The word "Authority" used in the Central Rules is of wide amplitude and would also include a committee of officers also, however, the same cannot be true for rule 33(4) of the J&K CCA Rules, 1956 for the reason that the expression "an Officer" has been specifically and expressly mentioned in the sub-rule (4) of rule 33 and it is a pristine principle of interpretation of statutes that if the language of a particular provision is unambiguous, it shall be understood in its plain meaning.

The inquiry in terms of rule 33 (4) of CCA Rules, 1956 may only be conducted by "an officer" and not by a committee of officers." The Competent Authority has observed that observed that the Regular Departmental Enquiry initiated in terms of Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 has to be concluded as per the instructions contained in these rules. Further observed that the Department of Law, Justice & Parliamentary Affairs has opined that the chargesheet has to be followed by appointment of Inquiry Officer and a committee route cannot be



adopted and, therefore, the PW(R&B) Department shall conclude the RDA in terms of the advice of the Department of Law, Justice & Parliamentary Affairs. The General Administration Department has advised to conclude the RDA in terms of the advice tendered by the Department of Law, Justice and Parliamentary Affairs.

Whereas, vide Government Order No.353-PW(R&B) of 2021 dated 15.11.2021, Er. Sami Arif, I/c DCW and Er.Harmohinder Singh, I/c AEE, MED were appointed as Inquiry Officer and Presenting Officer respectively in the matter.

Whereas, the Inquiry Officer recommended that the charges levelled against the officers be dropped as the Hot Mix Plant at Veervan, Baramulla remained unutilized for long periods due to non-allocation of work by PW (R&B) Department in spite of repeated communications made by various officers of MED. Rigorous efforts have been made to revive the plant by all the officers associated with it and it has been due to their efforts that the Plant has generated revenue of Rs. 92.29 lacs. The plant as on date is functional and still in position to help PW (R&B) Department in macadamization of roads. There has been no laxity on part of the accused officers.

Now, therefore, in view of the above and by upholding the recommendation of Development Commissioner(Works), Inquiry Officer in the case, with the approval of Competent authority the allegations levelled against Er. R.K. Handoo, Er. S.A. Chasti, Er. Amresh Raina, the then Chief Engineers of Mechanical Engineering Department, Kashmir and Er. Shafat Ahmad Jeelani, Er. Ravi Kumar and Er. Mohammad Altaf Rather, the then Executive Engineers of Mechanical Engineering Division Baramulla are dropped and case is hereby closed.

By order of the Government of Jammu and Kashmir

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

No.PWD-HRM1/134/2021-05-Department of PWD R&B(C.No.76959)

Dated: 8.02.2022

Copy to the:-

1. Principal Secretary to the Government, General Administration Department. This is with
2. the reference to his O.M No. GAD(Vig)08-RDA/2017 dated 22.02.2017.
3. Development Commissioner (Works), PW(R&B) Department.
4. Director, Anti Corruption Bureau, J&K.
5. Director Archives, Archaeology & Museum, J&K Jammu.
6. Chief Engineer, Mechanical Engineering Department, Jammu/Kashmir.
7. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
8. Concerned Engineers.
9. Private Secretary to Principal/Secretary to Government, Public Works (R&B) Department.
10. Government Order file/Stock file.

(Dr.Zeba Suleman)
Under Secretary to the Government