



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

Subject: Initiation of Regular Departmental Action against Mr. Rajinder Singh, the then AEE Truck Terminal Division Srinagar and Mr. Muzamil Bashir Tak, JE R&B Division Chadoora (Verification No. ABP 11/ 2015).

Government Order No. 72 - PW(R&B) of 2022
Dated: 23.02.2022

Whereas, the General Administration Department vide communication No.GAD (Vig)39-RDA/ 2019 dated 10.01.2020 has forwarded a communication No.ACB-Veri-ABP-11/2015-10343-44 dated 26.08.2019 of Anti Corruption Bureau along with documents related to the case with a recommendation for initiation of RDA against the subjects, as per the mandate of J&K Civil Services(CC&A) Rules, 1956 with the approval of the Competent Authority.

Whereas, the ACB vide above quoted reference has intimated that verification was conducted upon a source report received from one Qazi Fayaz Ahmad, JE Truck Terminal Division Srinagar alleging therein that few blue eyed contractors namely Minaz Constructions owner Mr. Shah and others are harassing him for framing fake bill to favour themselves. The matter was taken by him to his concerned AEE and Ex. En. who have not helped him and instead have pressurized him to frame wrong bill. It surfaced during verification that the two works were tendered with advertised cost of Rs. 17.55 lacs and Rs. 14.90 lacs as per NIT No. 06/Railway/ 2012-13 . Bashir Ahmad Lone was the lowest tenderer and accordingly the works were allotted to him. The billed amount of Rs. 6,32, 079 /-and Rs. 6,09, 204 /-have been paid to contractor vide CC 1st. The work stands supervised by JE Qazi Fayaz Ahmad and JE Muzamil in phases.

Whereas, ACB further stated that during the course of verification, the works were put to spot check, record was scrutinized and following has been observed:-

- The payment has been made for using 20% plum against 40% plum executed by AEE Rajinder Singh.
- For TMT 2.5 Qtls issued to the contractors has not been used in any work but same has been seemingly gifted to contractor merely for Rs. 11000 /-.
- During the construction of R/wall from RD 2130-2145 m on right side of Kurigam Qazigund Railway approached road, the contractor did not consume the issued 2.50 quintal steel at all, no action was taken against him, not even a notice was issued against him.
- The then AEE Mr. Rajinder Singh and JE Muzamil Bashir have replaced and re-framed the bills deliberately to benefit the contractor, needs to be taken into task along with the then Ex. En. Mr. Qazi Khalid (now retired) who had passed the said replaced bills.
- The Engineering staff did not utilize their powers to get the work executed up to specifications well in time. As per the opinion of Engineering wing, the contractor was not executing the work professionally as per the agreement.

- f. As per the M. Book, the contractor utilized only 795 bags of cement instead of issued 900 bags for construction of R/wall cum drain at RD- 1460-1650 m on right side of Kurigam Qazigund Railway approached road.
- g. The contractor harassed a public servant while discharging lawful duty to the extent that he was forced to file a complaint in Police Station , Parimpora, Srinagar on 28.03.2013.

Whereas, case of the delinquent engineers was examined in the department and the Article of charges were served through concerned Chief Engineer vide communication No.PW(R&B) HRM/02/2020-Vig dated 12.02.2020. Both the engineers submitted their reply through concerned Chief Engineer. Subsequently, vide Government Order No.212-PW(R&B) of 2020 dated 27.07.2020, Er.Mian Abdul Naim, I/c SE, PW(R&B) Circle Srinagar/Budgam was appointed as Inquiry Officer into the matter. The Inquiry Officer vide communication No.SE/PS/8522-23 dated 19.10.2020 and No SE/PS/ 20445-46 dated 16.12.2021 has reported that:-

- I. There has been no loss to State Exchequer.*
- II. All the Store material issued has been recovered in full from the Contractor.*
- III. There has been no bill replacement as per records available (M Book & Works Register)*
- IV. The Specifications of the work is good, photographic evidence shown, even after 7 years and 6 months after execution of work.*
- V. There seems to be no codal violations on part of Jr Engineer, Muzamil Bashir, and the then, AEE Rajinder Singh.*

Whereas, the case file was referred to the Development Commissioner (Works) for comments in the matter. The DCW has returned the file and recorded comments as :

In view of report submitted by the Inquiry Officer, based on careful scrutinization of statements, records and documents relevant to the case, it is established that there have been no codal violation on part of the delinquent engineers and that the works have been carried out as per the specifications laid down in the Allotment order. All the materials issued to the contractor have been recovered in full from the bills as per norms, thereby causing no loss to the state exchequer. The point wise clarifications to the observations raised by ACB in para 3 are given here-under:-

- a. As per records, the Assistant Executive Engineer has allowed only 60% quantity of concrete (1:3:6) against 80% (as specified in the allotment) and the quantity of plum as per allotment, i.e., 20%, for following works:-
 - i. Construction of R. Wall cum drain at RD 1460m to 1650m on right side of Kurigam Qazigund Railway Approach road, and
 - ii. Construction of Toe wall from RD 1940m to RD 2130m and construction of R. Wall from RD 2130m to RD 2145m on right side of Kurigam Qazigund Railway approach road.
 - iii. The contractor has not been paid full amount for the item (concrete 1:3:6) in running account bill by the concerned AEE.
- b. As per the allotment order and estimate framed, it was within the scope of contract to utilize 2.50 qtls of steel for construction of crossing culvert at site. The material was received at site after proper indent but not used due to the dispute at site. The cost of steel was recovered in full from the work done claims of the contractor. However, the material should have been returned to the Divisional Store with return indent.

- c. All the materials have been recovered in full from the contractor dues and there is no loss to the state exchequer. The works register duly signed by the concerned AEE is available on file.
- d. The Inquiry officer has endorsed the report of Executive Engineer, R&B, T.T. Division that no bills have been replaced by the delinquent officers. JE (Muzamil Bashir) only framed the bills for the portion of works which were executed under his supervision. However, as a matter of procedure, the quantities of two portions, Part A, executed by the then JE Qazi Fayaz & Part B, portion executed by JE Muzamil Bashir, were clubbed together in the bill, which is necessary as the allotment was same.
- e. The engineering staff seems to have shown lackadaisical approach in execution of works and a warning is required to be given to the concerned for remaining careful and vigilant in future.
- f. The concerned Executive Engineer, after thorough verification, should have initiated suitable action against the contractor who reportedly had harassed the public servant. Since, there is no gross codal violation on part of the delinquent officials, the charges against these officials may be dropped with a warning to remain Vigilant in future.

Now, therefore, in view of the above and upholding the recommendation of Development Commissioner(Works), with the approval of Competent Authorities, the allegations leveled against Mr. Rajinder Singh, the then AEE, Truck Terminal Division Srinagar and Mr. Muzamil Bashir Tak, JE R&B Division Chadoora, is dropped and case is hereby closed with warning to the delinquent officers/official to remain careful and prompt while discharging duties.

By order of the Government of Jammu and Kashmir.

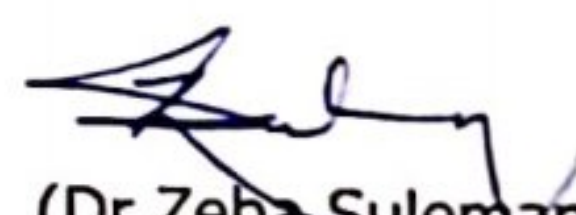
Sd/-
(Shailendra Kumar) IAS
Principal Secretary to the Government

No: PWD-RDA/10/2021-01-Dept of PWD R&B (C.N.15297)

Dated: 23.02.2022

Copy to the:-

1. Principal Secretary to the Government, General Administration Department. This is with the reference to his O.M No. GAD(Vig)39-RDA/2019 dated 10.01.2020.
2. Development Commissioner (Works), PW(R&B) Department.
3. Director, Anti Corruption Bureau, J&K, Jammu.
4. Director Archaeology & Archives, J&K Jammu.
5. Chief Engineer, R&B, Jammu/Kashmir.
6. Concerned.
7. Private Secretary to Principal Secretary to the Government, Public Works (R&B) Department.
I/c Website, PWD
8. Government Order file/Stock file.


(Dr. Zeba Suleman)
Under Secretary to the Government

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