



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

Subject: Complaint against Er. Prakash Chander Tanoch, the then I/c Superintending Engineer, Public Works Department Circle Rajouri - Poonch (Now Chief Engineer).

Government Order No. 85 - PW(R&B) of 2022  
Dated: 4.03.2022

Whereas, a complaint received in the department from Manjeet Singh Parihar on 06.07.2020 against the subject for illegal approval and misappropriation of funds in connection with local engineers and selective contractors in Public Works(R&B) Division Nowshera, Rajouri and Poonch without inviting tenders.

Whereas, vide this department letter No.PW (R&B) / G/250/2020 dated 10.08.2020, the matter was taken up with Chief Engineer, PW(R&B)Department Jammu and request him to furnish the factual report in the matter.

Whereas, vide letter No.CEJ/PS/Inquiry/661-62 dated 01.09.2020, the Chief Engineer submitted detailed report in the matter with the opinion that except one allegation, all other allegations levelled against the said officer are baseless and melafide. However, the said officer before according the approvals beyond his competence should have followed the rule book and codal procedures for according approval for the works which were recommended by the subordinate engineers. The said Engineer should be given a stern and strong warning not to repeat such violation of the codal procedure again in future.

Whereas, vide this department letter dated 24.03.2021, the accused Engineer was charge sheeted, and he submitted reply to the article of charges.

Whereas, the reply was examined in the department and vide this department's letter dated 16.07.2021, the complainant was advised to provide the testimonials regarding that complaint. Thereafter, two reminders dated 10.11.2021 and 16.07.2021 have also been issued to the complaint, but no response was received. The communications of this department were not delivered to the concerned complainant and were received back due to wrong address mentioned in the complaint.

Whereas, the case again examined and vide Government Order No.373-PW(R&B) of 2021 dated 20.10.2021, Er. Sami Arif Yesvi, I/c Development Commissioner(W) and Er.Nissar Ahmad Pandit, I/c Superintending Engineer, PW(R&B) Circle Rajouri-Poonch have been appointed as Inquiry Officer and Presenting Officer for conducting enquiry into the matter.

Whereas, the Inquiry Officer reported as under:-

1. The delinquent officer has given approval, as next higher authority, for extension

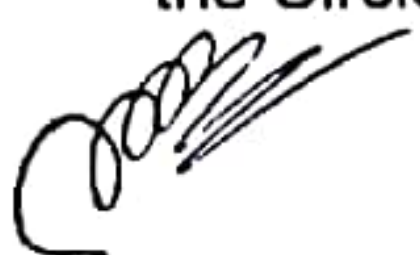


of works allotted by the Executive Engineers, R&B Division Rajouri / Poonch / Nowshera, during 2019-20 and 2020-21 , as per the following table:

S.No.	Year	No. of works for which approval for extension has been given	Total allotted cost in respect of the works (Rs.in lacs)	Total cost of approvals for extension (Rs.in lacs)
1	2019-20	18	586.70	93.77
2	2020-21	13	407.44	60.05
	Total	31	994.14	153.82

In contradiction to the allegations leveled in the complaint, approvals for extension have been provided to only 07 No. languishing projects out of the 31 No. allotted works, amounting to Rs. 39.42 lacs only. No approval has been given to any work that was not tendered or allotted as per the proper procedure. The work wise details of extensions given, along-with reasons . As is evident from records, the extensions have been given by the delinquent officer over works allotted by the Executive Engineers, as next higher authority, on the directions of the District Administration, Head of Departments and as required at site, on the recommendations of the concerned Executive Engineers for immediate completion of works without delay. In view of timely completion of works and to avoid escalation in costs, coupled with the circumstances arisen due to Covid-19 pandemic during said period, the violation of codal formalities needs to be overlooked. The delinquent officer has allowed increase in quantities and some additional items necessary for completion of works, on the allotments issued by concerned Executive Engineers and on their recommendations, without changing the scope or purpose of the original contract. Variations in quantities during execution of works, attributed to unforeseen site conditions or increase in lengths of Retaining and Breast walls at vulnerable spots, are inevitable and separate tendering for such items, during the course of execution would have delayed the completion time besides causing escalation in cost of works. The works have been executed on terms and conditions of the original contract and well within the Administratively Approved and Estimated cost, without causing any loss to the state exchequer. The Manual for Procurement of Works, 2019 , issued by Government of India, Ministry of Finance, Department of Expenditure, under Clause 6.5.1 for 'Variation / Extra / Substituted Items' stipulates increase or decrease in quantity of any work included in BOQ of the contract and additional work of any kind necessary for completion of work, provided such variation or additional work is within the scope of original works and does not completely change the scope / character and purpose of the original contract.

2. As verified from the available records, no extension of work / approval has been given to any contractor who is/are wives or close relatives of AEE's, AE's, JE's of the Circle, as alleged in the complaint.





3. Further, no RTI application pertaining to the Circle office was received during the period between 01-01-2019 to 31-07-2020 as per letter No: SER/ 2020-21 / 7452 dated: 19.08.2020 from the office of Superintending Engineer, R&B Circle, Rajouri Poonch. However, the details of RTI applications pertaining to the divisions under the control of PWD (R&B) Circle, Rajouri- Poonch, are as under:

S.No.	Name of Division	Total No. of RTI applications received between 01.01.2019 to 31.07.2020	Remarks (No. of RTIs disposed)
1	PWD (R&B) Division, Rajouri	52	52
2	PWD (R&B) Division, Poonch	26	26
3	PWD (R&B) Division, Nowshera	09	09

4. The allegation regarding release and diversion of funds is baseless as the funds are released through BEAMS and hence cannot be diverted. The payments for Languishing projects are made by the Administrative Department to the concerned Executive Engineers for further payment to the contractors and there is no role of the Superintending Engineer.
5. The transfer of the over-staying Assistant Executive Engineers, Assistant Engineers and Junior Engineers is not the domain of the Superintending Engineer.
6. The details of Contractor Registration Cards issued between 01.01.2019 to 31.07.2020 , is as under:

S.No.	Year	Total No. of Contractor registration Cards issued	No. of cards issued in favour of female contractors.
1	2018-19	49	03
2	2019-20	175	13
3	2020-21	22	01
	Total	246	17

It was observed that no female contractor whose Registration Card was issued during the period of the accused officer has executed any work during the same period.

Whereas, the Inquiry officer concluded that the allegations leveled against Sh. P.C. Tanoch, the then Superintending Engineer, R&B Circle, Rajouri-Poonch are





unsubstantiated and without merit and recommended that the charges against the delinquent officer be dropped.

Now, therefore, in view of the above and upholding the recommendation of Development Commissioner (Works), with the approval of Competent Authority, the allegations leveled against Er. against Er. Prakash Chander Tanoch, the then I/c Superintending Engineer, Pubic Works Department Circle Rajouri-Poonch (Now Chief Engineer) are dropped and case is hereby closed with warning to remain extra cautious and remain careful in future.

By order of the Government of Jammu and Kashmir.

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

No:PWD-RDA/29/2021-01-Department of PWD R&B (C.N.25097) Dated: 4.03.2022

Copy to the:-

1. Development Commissioner (Works), PW(R&B) Department.
2. Director Archaeology & Archives, J&K Jammu.
3. Chief Engineer, R&B, Jammu/Kashmir/Ladakh.
4. Concerned.
5. Private Secretary to Principal Secretary to the Government, Public Works (R&B)Department.
6. I/c Website, PWD
7. Government Order file/Stock file.

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

(Shahid Mahmood)JKAS  
Additional Secretary to the Government