

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

Subject: Initiation of RDA against Er. Rajesh Kumar Bhagat, the then Executive Engineer, PW(R&B) Const. Div No.-II, Jammu, Er. Rohit Puri, the then Assistant Executive Engineer, PW(R&B) Const. Div No.-II, Jammu, Er. Amit Kumar Gupta, Assistant Engineer PW(R&B) Const. Div No.-II, Jammu, Er. Vinay Abrol, Junior Engineer, PW(R&B) PW(R&B) Const. Div No.-II, Jammu.

Government Order No. 89 - PW(R&B) of 2023
Dated: 01.03.2023

Whereas, the General Administration Department vide communication No.GAD-VIGORDA/ 82/2021-02-GAD dated: 27.12.2021, forwarded a communication No.ACB-JSC-JSK-18/2020-24069-70 dated: 24.11.2021, alongwith its enclosures i.e, draft article of charges, statement of imputation and gist of evidences, as received from the Anti Corruption Bureau, for further necessary action in the matter.

Whereas, the ACB J&K, Jammu alleged that during the Macadamization of different roads falling under the jurisdiction of Sub-division-II, Jammu PW(R&B)Department, the works were executed after floating tenders in gross violation of prescribed norms by the delinquent engineers of the said division.

It further alleged that during probe, the samples/exhibits of bitumen materials were lifted from all the three locations and were sent to Research Officer (Material Test Laboratory) Design Inspection & Quality Control (DIQC), Bhagwati Nagar, Canal Road, Jammu to obtain its genuineness reports. Gradation test of all the samples taken by ACB didn't comply with the prescribed limits. It was also alleged that the works were commenced without issuance of formal allotment orders and the works were not supervised and formal sanction of work was sought only after the Joint surprise Check of ACB.

Whereas, the case was examined in the department and it was decided to serve the charge sheet to the accused Engineers. Consequently, all the delinquent Engineers were served Articles of charges on 09-02-2022. The accused submitted the replies to the article of charges. The same were examined thoroughly in the department and replies were not found suffice to prove their innocence in the matter. Thereafter, vide Govt. Order No. 134- PW(R&B) of 2022, dated: 13-04-2022, Er. Kuldeep Singh Nathyal, I/C Superintending Engineer, PW(R&B) Circle Jammu- Kathua and Er. Kewal Kumar Atri, I/c Executive Engineer, PW(R&B), construction division-I, Jammu were appointed as Inquiry Officer and Presenting Officer respectively to enquire into the allegations leveled against the subject.

Whereas, the Inquiry officer submitted his report into the matter which is reproduced verbatim as under:

"On 02-12-2020, a joint surprise check vide No. JSC-JSK- 18/2020 P/S Anti Corruption Bureau, Jammu was conducted to check the ongoing macadamization work at J.A road to Seri Panditan, Bhalwal link road and Amb road the jurisdiction of PW(R&B) Const. Div. No.-II, Jammu. During the probe the samples/exhibits of Bitumen materials laboratory, Design connected documents of the works viz. e-tender, application of administrative approval, LOI/allotment, Technical Sanction etc. were scrutinized by the authorities of Anti Corruption Bureau at Jammu. After scrutiny of the record, it was found by the Anti Corruption Bureau, Jammu as that AAA of the said work was accorded by the Superintending Engineer, PW(R&B) Jammu-Kathua Circle, Jammu for an amount of Rs. 240.00 Lacs vide work was put to short notice e-NIT vide Executive Engineer, PW(R&B) Const. Div. No-II Jammu No.92 of 2020-21/Div. No.-2 dated 16-10-2020 in which the work was at S.No. 04 for an estimated cost of Rs. 33.97 Lacs. The letter of intent LOI was issued to the M/s Abhimanyu Jamwal, Contractor firm R/o 272 Sainik colony Jammu vide No. 10197-98 dated 04-11-2020 for the work of providing and laying wet mix macadam, 50 mm thick BM and 25mm thick SDBC and 25mm thick open pre mix carpet on link road JA road to Seri Panditan, Bhalwal link road and Amb road. The ACB, during scrutiny has found that Technical Sanction for the said work has been accorded by the Executive Engineer, PW(R&B) Div. No-II vide no. 157 of 2020 on 07-12-2020 i.e five days after the joint surprise check conducted by the ACB. As per rules the Technical should be accorded before start of the work in this case it has been accorded after start of the work. The analysis of the test reports obtained from Material Testing laboratory Design Inspection and Quality Control (DIQC), canal road Jammu revealed that out of the three samples for Bitumen one has passed and others two have failed, out of these two tests one test has failed very less marginally. The Gradation analysis for samples taken from the said site of the road does not comply with prescribed limits and the concerned Executive Engineer has started the work without issuing the formal allotment order and without entering into Agreement. Further, Er. Rajesh Kumar Bhagat, the then Executive Engineer, PW(R&B) Const.Div No.-II, Jammu in his defence has stated that after sample from that stretch only, collected the sample with recommended procedure of collection of samples of compacted layer by using core-cutter just alongside the space where ACB has collected sample earlier. These samples were sent again to Govt. Material Testing Lab. for cross-checking the results. The report of Govt. material Testing Laboratory states that all the samples met the requirements of IS Codes. The difference of results correspond to wrong procedure followed by the ACB while collecting the samples from the compacted layer by ACB officials with the help of Hammer and Screw driver for checking the BT content/gradation parameters had the sample

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collection been done as per recommended procedure, the test results of DIQC would have certainly passed. At the end, it is concluded that though the work was started before issuing of a Formal Allotment letter, started only on the basis of LOI before Accord of Technical Sanction, these all were done in the interest of the work, as the winter season was drawing near as stated by the then Executive Engineer PW(R&B) Div. No. -II, Jammu of T.S in PWD before the year 2020 and sometimes the T.S are accorded after start of work. The results of samples collected with proper procedure are within the required limits. There had been no loss to the exchequer and the works are in good shape even after the gap of one and half year. As explain above, there is no loss to Govt. Exchequer in the instant case and as such the charges levelled against Er. Er. Rajesh Kumar Bhagat, the then Executive Engineer, PW(R&B) Const. Div No.-II, Jammu, Er. Rohit Puri, the then Assistant Executive Engineer, PW(R&B) Const. Div No. II, Jammu, Er. Amit Kumar Gupta, Assistant Engineer PW(R&B) Const. Div No.-II, Jammu, Er. Vinay Abrol, Junior Engineer, PW(R&B) PW(R&B) Const. Div No.-II, Jammu are unsubstantiated and so it is recommended that charges against the officer/official be dropped and be considered acquitted honorably."

Whereas, the case examined and referred to DCW for comments in the matter. The DCW returned the file with the following comments:-

"The inquiry officer ACB in his report has stated that the three samples were taken from RD3/15,3/985 and 3/560 and found the test results as 4.6%,2.6% and 3.2% respectively. As per MoRTH specifications sec. 504 a tolerance of $\pm 0.3\%$ is permissible in respect of the test results of the Bitumen Content Test. Thus the test results at RD 3/15 and 3/985 are within the permissible limits and the third at RD 3/560 has failed marginally. The Inquiry Officer ACB in his report has also stated that the department also produced test reports of the samples submitted prior to the JSC with satisfactory results. The I.O appointed by the department in his report has pointed out that the samples were not taken by the ACB properly as the same were taken with the help of a screwdriver and a small hammer which may have affected the %age of bitumen. The I.O has further stated in his report that he has checked the work on the spot and found that the measurements recorded in the work register were correct and the condition of the road was intact after a lapse of over 1.5 yrs. Although the formal allotment and the tech. sanction were issued after the start of work which should have been issued prior to that but no ill intention of embezzlement is attributed to the delinquent officer as the rate at which the work stands allotted is 18.36% below the advertised amount after proper E-Tendering".

Whereas, the Development Commissioner Work while upholding the report of the

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Inquiry Officer recommended that the charges leveled against the officers may be dropped with a warning to be careful in future

The report of IO and DCW (Engineer in Chief) was examined in the department and observed that the both the reports have satisfactorily elaborated the Gradation test but have conceded that the work was commenced before having technical sanction which was a norm before 2020. Since no loss to state exchequer is reported and road is in good condition after a lapse of 1.5 years

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. Rajesh Kumar Bhagat, the then Executive Engineer, PW(R&B) Const. Div No.-II, Jammu,
2. Er. Rohit Puri, the then Assistant Executive Engineer, PW(R&B) Const. Div No.-II, Jammu,
3. Er. Amit Kumar Gupta, Assistant Engineer PW(R&B) Const. Div No.-II, Jammu,
4. Er. Vinay Abrol, Junior Engineer, PW(R&B) PW(R&B) Const. Div No.-II, Jammu.

By order of the Government of Jammu and Kashmir.

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


PWD-RDA/48/2021-05-Department of PWD R&B(C.N.36783)

Dated: 01.03.2023

Copy to the:-

1. Commissioner/ Secretary to the Government, General Administration Department for information. This is with reference to his O.M.No. No.GAD- VIGORDA/ 82/2021-02-GAD dated 27.12.2021.
2. Engineer in Chief, 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.
8. I/c Website, PWD
Government Order file/Stock file.

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


(Dr. Zeba Suleman)

Under Secretary to the Government



