

**Government of Jammu and Kashmir**  
**Jal Shakti Department**  
**Civil Secretariat, Jammu/Srinagar**

Subject:- Regular Departmental Action in respect of WSS Kokernag Garden – imposition of penalty.

**Government Order No. 136-JK(JSD) of 2023**  
**Dated:- 17.06.2023**

1. Whereas, vide Government Order No. 39-PW(Hyd) of 2020 dated 29.01.2020, a Committee was constituted for conducting an enquiry in respect of WSS Kokernag Garden LUP0257 under Languishing Project for direct procurement of material from SICOP without calling tenders; and
2. Whereas, the said Committee has submitted its enquiry report with the following observations:

*“Committee under the chairmanship of Director Finance JS PHE/I&FC met many a times to discuss the issue in light of allegations and counter arguments.*

*Executive Engineer Bashir Ahmad Shah was also asked to present himself before the inquiry Committee. During these sittings he was given ample opportunity to explain his position in the matter.*

*Executive Engineer Bashir Ahmad Shah was finally asked to submit a written statement in support of his arguments substantiated by documentary proof. The records furnished by Mr. Bashir Ahmad Shah through Presenting officer (Executive Engineer JS-PHE Bijbehara) were perused in detail and the observations made are as under.*

*Records provided by the presenting officer reveal that the allotment was made earlier than the date of shifting the scheme to JKIDFC.*

*Further the statement "that due to non availability of funds at that time for key construction material viz Steel and Cement, same was not procured from SAIL and JK CEMENTS as these government sectors do not issue material on credit basis and as such the department had no option but to purchase the material from SICOP" was perused by the committee and found that there was merit in the statement, though the fact remains that the Executive Engineer can not absolve himself from the responsibility of adhering to the instructions issued by the government from time to time in respect of procurement of key construction materials.*

*On perusal of the cost comparative statement with regard to rates of cement and steel issued by SICOP and those of SAIL and JK Cements during the period, there is a loss of approximately ₹ 48000/, which can be recommended to be recovered from the defaulting officer. On the other hand his argument that the scheme was completed on time because of material made available by the SICOP, makes the committee to review the option of penalizing him.*



*Though the case pertains to Gross violation of norms and government orders but looking at the intent of the Officer and the final outcome which has provided timely benefit to the public, the committee would recommend for some reprimand and warning to the officer but given the fact that he has retired from active Government service, a lenient view is recommended to be taken in the matter.”*

3. Whereas, the enquiry report was examined in the department and placed before the Competent Authority for taking a view and to also take a decision regarding punishment; and

4. Whereas, the Competent Authority has decided to impose a penalty of recovery of loss caused to the Government by negligence or breach of orders in terms of Rule-30 of J&K (Classification, Control & Appeal) Rules, 1956;

5. Now, therefore, in terms of Rule-30 of J&K Civil Service (Classification, Control & Appeal) Rules, 1956, it is hereby ordered that an amount of Rs. 48,000/- (Rupees Forty Eight Thousand) shall be recovered from Mr. Bashir Ahmad Shah, the then I/c Executive Engineer, PHE Division, Bijbehara (now retired) on account of the loss caused to the State Exchequer by direct procurement of material from SICOP in respect of WSS Kokernag Garden LUP0257 under Languishing Project.

**By Order of the Government of Jammu and Kashmir**

Sd/-

(Shaleen Kabra) IAS

**Principal Secretary to the Government,  
Jal Shakti Department.**

No: JSD-Acco08/365/2020-Acctts (CC No. 5718)

Dated:- 17 .06.2023

Copy to the:-

1. Principal Accountant General (A&E), J&K, Jammu/Srinagar.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. Commissioner/Secretary to the Government, General Administration Department.
4. Director Archives, Archaeology and Museums, J&K.
5. Director Finance, Jal Shakti Department.
6. Chief Engineer, Jal Shakti (PHE) Department, Kashmir with the request to effect the recovery of an amount of Rs. 48,000/- from Mr. Bashir Ahmad Shah, the then I/c Executive Engineer, PHE Division Bijbehara (now retired) under an intimation to this department.
7. Pvt. Secretary to the Principal Secretary to the Government, Jal Shakti Department.
8. Concerned Officer.
9. I/c Website.
10. Government Order file (w.2.s.cs).

  
(Sahil Mahajan) IAS

**Under Secretary to the Government  
Jal Shakti Department**