

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

Subject:- Regular Departmental Action (RDA) against Shri Arun Gupta, the then Executive Engineer, Trikuta Division, Municipal Corporation Jammu in case of (ACB-JSC) JSK-10/2019.

**Government Order No. 164 -JK(JSD) of 2023**

**Dated:- 24.07.2023**

1. Whereas, Housing and Urban Development Department vide O.M. No. HUD-LSG01MC/28/2021 dated 04.07.2022 forwarded copy of the Inquiry Report submitted by the Inquiry Officer vide No. JDA/VC/2022-23/12 dated 08.04.2022 to this department, being cadre controlling authority of the charged officer, alongwith comments of the Commissioner, Jammu Municipal Corporation submitted vide No. JMC/Estt/S/321 dated 18.06.2022 with the request to impose suitable penalty upon Shri Arun Gupta, the then Executive Engineer, Trikuta Division, Municipal Corporation Jammu (JMC) in terms of Rule-30(ii) of J&K Civil Services (Classification, Control and Appeal) Rules 1956 as per recommendations of Inquiry Officer; and

2. Whereas, Anti-Corruption Bureau, J&K conducted Joint Surprise Check (ACB-JSC)JSK-10/2019 and found that irregularities have been committed by the then Executive Engineer, JMC (now retired) during allotment of works. The recommendations of Anti-Corruption Bureau, J&K is given as under:-

*"Scrutiny of record has revealed that Sh Arun Gupta, Executive Engineer, Trikuta Division, Jammu floated tenders on the basis of unit rates and there should have been at least three contractors for competitive bidding, the work should have been re-tendered in Ward No. 3 and 4. The agreement which was to be executed within seven days of the allotment of the work has been executed much belatedly. Further, no negotiation has been held with the contractors for allotment of rates. Also as per condition No. 14 of the allotment a penalty up to 10% of the total amount was to be levied, if the work was not completed on time. This has also not been done. The aforesaid acts of Sh Arun Gupta, Executive Engineer, Trikuta Division, Jammu unequivocally demonstrate that the officer has floated tenders in violation of prescribed norms/procedure, and failed to observe the conditions attendant to execution of works and exhibited a conduct unbecoming of a Public Servant for which he is liable for disciplinary action in terms of Jammu and Kashmir Service Rules."*

3. Whereas, Anti Corruption Bureau, J&K has recommended to the Housing and Urban Development Department for initiation of RDA against the said Executive Engineer and accordingly, Housing and Urban Development Department had served the Articles of Charges and Statement of Imputation upon Shri Arun Gupta, the then Executive Engineer, Trikuta Division, JMC, Jammu with regard to the alleged delinquencies committed by him in the tendering of works, non-imposition of penalties and non-abidance to the terms and condition so stipulated in the bid document/tenders and agreement; and

4. Whereas, vide Govt. Order No. 128-JK(HUD) of 2021 dated 01.09.2021, Housing and Urban Development Department appointed Inquiry Officer and Presenting Officer to inquire into the charges leveled against Sh. Arun Gupta, the then Executive Engineer (now retired), Trikuta Division, JMC, Jammu; and

5. Whereas the Inquiry Officer appointed by the Housing and Urban Development Department submitted the enquiry report, vide No. JDA/VC/2022-23/12 dated 08.04.2022 and has given the following findings/recommendations:-

- i. *The charges leveled against Shri Arun Gupta, the then Executive Engineer, Municipal Corporation, Jammu are proved in respect of deviation of standard procedure so established for floating and award of Tenders.*
- ii. *On Stage Contract, as is evident from the publications in the leading local dailies, it is well established that Works Department are still continuing with the practice despite the same not existing in the procedure. Further, the principle of equity mandates equal treatment for all without any bias. As such the Trikuta Division of the Corporation cannot be singled-out for the default when the same methodology was being followed in the other division namely Central Division of the Municipal Corporation, Jammu.*
- iii. *Further, the charge leveled on allotment made in case of Single bid or less than three bidders is negated as the rules provide for allocation even in case of single bid where the responsibility of rates is established. The investigating agency has not pointed out that the rates awarded were exorbitant.*
- iv. *Sh Arun Gupta, the then Executive Engineer has undoubtedly admitted that agreement were not executed with the Contractors within stipulated time as per conditions of the allotment thereby establishing the charge against him.*
- v. *On non-realization of penalty from Contractors, the imposition was not commensurate and only token penalty was imposed upon in certain cases thereby establishing the charge against the then Executive Engineer.*
- vi. *Sh Arun Gupta, who was holding the post of Superintending Engineer finally proceeded on superannuation on June 30, 2021 and is drawing his pension.*
- vii. *The misconduct as established against the accused officer is not so grave so as to invite any major penalty. As he has already retired, fine not exceeding one month's pension in terms of Rule 30(ii) of J&K Civil Services (Classification Control and Appeal) Rules is recommended against him; and*

6. Whereas, as mentioned hereinabove, the Jammu Municipal Corporation and the Housing and Urban Development Department have endorsed the recommendations of the Inquiry Officer; and

7. Whereas, the matter has been examined in the department and has been placed before the Competent Authority, who has accepted the Inquiry Report and decided to impose penalty of fine not exceeding one month's pay in terms of Rule 30(ii) of J&K Civil Services (Classification, Control & Appeal) Rules, 1956 upon Shri Arun Gupta, the then Executive Engineer (now retired), Jammu Municipal Corporation.

8. Now, therefore, in terms of Rule-30(ii) of J&K Civil Services (Classification, Control & Appeal) Rules, 1956, a penalty of fine of one month's pay is imposed upon Shri Arun Kumar Gupta, the then Executive Engineer (now retired), Jammu Municipal Corporation in case ACB-(JSC)JSK-10/2019.

**By order of the Government of Jammu and Kashmir.**

Sd/-

(Shaleen Kabra) IAS

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

Dated:- 24.07.2023

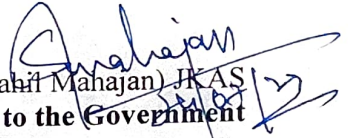
No: JSD-HRM04/12/2022-ADM (CC.No. 224567)

Copy to the:-

1. Principal Accountant General, Jammu/Kashmir.
2. Principal Secretary to the Government, Housing & Urban Development Department.



3. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
4. Commissioner/Secretary to the Government, General Administration Department.
5. Director, Anti-Corruption Bureau, J&K.
6. Director Archives, Archaeology and Museums, J&K.
7. All Chief Engineers.
8. Chief Engineer, UEED, J&K with the request to recover the penalty amount from the charged officer under an intimation to the administrative department.
9. Commissioner, JMC, Jammu.
10. OSD to Advisor (B) to the Hon'ble Lieutenant Governor, J&K.
11. P.S to the Principal Secretary to the Government, Jal Shakti Department.
12. Concerned.
13. I/c Website.
14. Government Order file (w.2.s.cs).

  
(Sahil Mahajan) JKAS  
**Under Secretary to the Government**  
**Jal Shakti Department**