

**GOVERNMENT OF JAMMU AND KASHMIR
JAL SHAKTI DEPARTMENT
CIVIL SECRETARIAT, JAMMU/SRINAGAR.**

Subject: Regular Departmental Action against the officers/officials involved in the case JSC ABP-07/2008 – dropping of charges thereof.

**Government Order No. 93 -JK (JSD) of 2023
Dated:- 08 .05.2023**

1. Whereas, the General Administration Department (Vig.) vide O.M. No.GAD(Vig)04-NOC/2019-PHE,I&FC-III dated 18.09.2019 intimated that Bashir Ahmad Kuchay, I/c Executive Engineer is figuring in case JSC-ABP-07/2008; and
2. Whereas, the Chief Engineer, Irrigation & Flood Control, Kashmir vide letter No. CE/I&FC/5576-78 dated 05.03.2021 has forwarded draft article of charges/Statement of Imputation and Gist of evidence received from Senior Superintendent of Police, Anti-Corruption Bureau, (South Kashmir) vide letter No.SSP(APKS)PE-21/JSC-07/2008/633-34 dated 26.02.2021 for initiation of Departmental Enquiry against Mr. Bashir Ahmad Kuchay, then Assistant Executive Engineer, Irrigation Sub-Division Kulgam, Mr. Bashir Ahmad Itoo, then Junior Engineer Irrigation Sub-Division Kulgam and Mr. Abdul Salam, Works Supervisor, Irrigation Sub-Division Kulgam; and
3. Whereas, on the perusal of the charges framed by the Vigilance Organization Kashmir, it has been found that the work namely Treatment to Bud-Khul Branch and construction of field channel Sheikhpal Storage Tank at Village Frisal was executed under a centrally sponsored scheme Accelerated Irrigation Benefit Programme (AIBP). The work was advertised for a cost of Rs. 9.18 lacs and was allotted to the lowest tenderer namely Reshi Brothers Proprietor Ali Muhammad Reshi S/o Gull Mohammad Reshi R/o Kharwat Kulgam by the then Executive Engineer on negotiated rates vide allotment No. 5651-53 dated 27.11.2007 for an allotted cost of Rs. 11.023 lacs and the bill has been passed for Rs. 10,53,460/- in favour of the contractor vide CV No. 43 of 2008; and
4. Whereas, VOK now ACB, inspected the work and found that an excess payment to the tune of Rs.5,07,000/- has been paid to the contractor against the actual work done which amounts to conferment of undue benefit upon the contractor; and



5. Whereas, on the basis of the findings of ACB, the Jal Shakti Department under communication No.JSD/HRM/Vig/188/2020 dated 28.05.2021 has served the Memorandum, Article of Charges, Statement of Imputation and Gist of evidence to Mr. Bashir Ahmad Kuchay, the then Assistant Executive Engineer, Irrigation Sub-Division Kulgam, Mr. Bashir Ahmad Itoo, the then Junior Engineer Irrigation Sub-Division Kulgam and Mr. Abdul Salam, the then Works Supervisor, Irrigation Sub-Division Kulgam; and

6. Whereas, Chief Engineer, I&FC Kashmir vide letter No. CE/I&FC/868 dated 15.06.2021 forwarded the replies submitted by the said officer/officials in their defence on the charge sheet served upon them; and

7. Whereas, the case was examined in the department, accordingly, vide Government Order No. 195-JK(JSD) of 2021 dated 12.10.2021, Inquiry Officer was appointed to enquire into the charges framed/leveled against (i) Mr. Bashir Ahmad Kuchay, the then Assistant Executive Engineer, Irrigation Sub-Division Kulgam, (ii) Mr. Bashir Ahmad Itoo, the then Junior Engineer, Irrigation Sub-Division Kulgam and (iii) Mr. Abdul Salam, the then Works Supervisor, Irrigation Sub-Division Kulgam; and

8. Whereas, the Inquiry Officer submitted the enquiry report in respect of all three charged officers/officials involved in the case, wherein it has been reported that the Works Supervisor, Mr Abdul Salam (now retired) has supervised the work negligently, the Junior Engineer namely Mr. Bashir Ahmad Itoo (now retired) has prepared and authenticated the bill without actually checking at site due to negligence and Assistant Executive Engineer authenticated the bill amounting to Rs.10,53,460/- by recording checked in full certificate without actually checking at site due to negligence which resulted in excess payment to the contractor by an amount of Rs. 5,07,000/-. However, the officer/official has initiated the recovery from the contractor and finally the excess amount of Rs.5,08,687/- was recovered from the contractor vide CV 139, dated 16.09.2008. Although, the amount has been recovered in full, but since the officer/officials have been found negligent towards their duty, a penalty of recovering fifteen (15) days salary has been recommended from all the three charged officer/officials; and

9. Whereas, the report of the Inquiry Officer was placed before the Competent Authority and the Competent Authority decided to uphold the recommendations of the Inquiry Officer and to impose penalty of recovery of fifteen (15) days salary from these officers/officials;

10. Now, therefore, it is ordered that a penalty for recovery of fifteen (15) days salary is imposed in respect of Mr. Bashir Ahmad Kuchay, the

then I/c Assistant Executive Engineer, Irrigation Sub-Division Kulgam (now retired), Mr. Bashir Ahmad Itoo, the then Junior Engineer, Irrigation Sub-Division, Kulgam (now retired) and Mr. Abdul Salam, the then Works Supervisor, Irrigation Sub-Division Kulgam (now retired) involved in the case JSC-ABP-07/2008 on account of negligence and the case is accordingly closed at the departmental level.

By Order of the Government of Jammu and Kashmir

Sd/-
(Shaleen Kabra) IAS
Principal Secretary to the Government
Jal Shakti Department

No.JSD-HRM04/12/2021-A-PHE, I&FC (51095)

Dated:- 08 .05.2023

Copy to the:-

1. Principal Accountant General, J&K.
2. Joint Secretary (J&K) Ministry of Home Affairs, Government of India, New Delhi.
3. Commissioner/Secretary to the Government, General Administration Department.
4. Director, Anti Corruption Bureau, J&K, Jammu.
5. Chief Engineer, (I&FC, Kashmir/PHE, Kashmir), **with the request to send notice to the retirees to deposit their 15 days salaries as per the last LPC and intimate the department with documentary proof within a period of fifteen days failing which the Chief Engineer shall take up the matter with the pension sanctioning authority for recovery from the pension and send it to the concerned Treasury for affecting recovery from the pension under intimation to the Administrative Department.**
6. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
7. Concerned.
8. Pvt. Secretary to Principal Secretary to the Government, Jal Shakti Department.
9. I/C Website, Jal Shakti Department.
10. Govt. Order file/Stock file.

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