

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

Subject: - Department proceeding against officers/ officials of PHE Division Shopian-dropping of charges thereof.

Government Order No. 119-JK(JSD) of 2025

Dated: - 08.05.2025

Whereas Mohd Maqbool Wani (contractor) has filed a Civil Suit before the Hon'ble Court of Principal District Judge, Shopian seeking therein decree for recovery of Rs. 10.83 lakhs with interest of 12% against the works claimed to be executed, from the date of completion of the works, till full and final realization of the same; and

2. Whereas, the contractor has filed another civil suit before the Hon'ble Court of Principal District Session Judge Shopian seeking therein decree for recovery for a sum of Rs. 3.51 lacs with interest @ 12% for the work known as "laying and Fitting of 80mm dia supply main for Kashmiri Basti and New Colony Gattipora for WSS Mujpathri (NRDWP)" from the date of completion of the work, till full and final realization of the same; and

3. Whereas, case was examined in the department and the Chief Engineer, Jal Shakti (PHE) Kashmir was requested to identify the officers/officials involved in the cases; and

4. Whereas, Chief Engineer, PHE, Kashmir have identified the following officers/officials: -

S. No.	Name of Officer/official S/Shri	Designation	Date of retirement
1.	Nisar Ahmad Shah	The then Ex. Engineer	28.02.2022
2.	Shakeel Ur Rehman	The then AEE	31.03.2031
3.	Habibullah Mir	The then AEE	31.03.2019
4.	Joginder Singh Bali	The then AEE	28.02.2023
5.	Nazir Ahmad Dar	The then AEE	31.03.2020
6.	Bashir Ahmad Bhat	The then JE	31.10.2018
7.	Waheed Hameed Shah	The then Junior Engineer	30.06.2034
8.	Mushtaq Ahmad Ganai	The then Junior Engineer	31.03.2022

5. Whereas, the case was again examined and it has been observed that out of the above named (08) officers/officials involved in the case, in terms of the Article 168-A of J&K CSR, the department is unable to take any action in respect of the following officers/official who have retired more than one year ago:-

S. No.	Name of Officer/official S/shri	Designation	Date of retirement
1.	Nisar Ahmad Shah	The then Ex. Engineer	28.02.2022
2.	Habibullah Mir	The then AEE	31.03.2019
3.	Nazir Ahmad Dar	The then AEE	31.03.2020
4.	Bashir Ahmad Bhat	The then Junior Engineer	31.10.2018
5.	Mushtaq Ahmad Ganai	The then Junior Engineer	31.03.2022

6. Whereas, with the approval of the Competent Authority, vide Memorandum dated 28.05.2024, Article of Charges and Statement of Imputations were served upon the following officers/officials:-

S. No.	Name of Officer/official S/shri	Designation	Date of Birth	Date of retirement
1.	Shakeel Ur Rehman	The then AEE	12.03.1971	31.03.2031
2.	Waheed Hameed Shah	The then JE	05.06.1974	30.06.2034
3.	Joginder Singh Bali	The then AEE	09.02.1963	28.02.2023

7. Whereas, the charges levelled against the officers are summarized as under:-

Charge-I: Execution of works without adhering to codal formalities such as obtaining Administrative Approval, Technical Sanction, or tendering, in violation of Rule 9-3 of Financial Code and Rule 136(1) of GFR.

Charge-II: Misappropriation of public property and financial loss to the Government exchequer.

8. Whereas, the charged officers/ official have submitted replies in their defense. After examining the replies submitted by the charged officers/officials, with the approval of the Competent Authority, vide Government Order No. 197-JK(JSD) of 2024 dated 22.08.2024, the Inquiry Officer was appointed to enquire into the charges levelled against the above officers/official. The Inquiry officer was requested to conduct an exhaustive enquiry and submit his report/ findings along with specific recommendations to the Government within 15 days positively from the date of issuance of the aforementioned Government Order.

9. The Inquiry Officer vide letter No.CE/IFCK/PS/19749 Dated 25.02.2025 has submitted the enquiry report. The concluding part of the report is reproduced as under: -

The genesis and the sequence of events enumerated thus, it is summarized that indeed violation of codal formalities has taken place but the procedural lapses can be ignored as the Standard Procedures which was been exercised pre 2019 in Engineering Departments to take the works in the manner, the way these works have been taken up and officers/officials may be exonerated with the stern warning not to indulge in such practices hereafter. The payment has not taken place so far and not having caused loss to the Government exchequer as of now. More-over the assets are very well existing on ground and in public service as functional utilities and the misappropriation of public assets and financial loss to Government Exchequer is as such not established.

10. Whereas, the report of the Inquiry Officer, appointed for the purpose, vide Government Order No. 197-JK(JSD) of 2024 dated 22.08.2024 was placed before the Competent authority (Hon'ble Minister, Jal Shakti Department) for its acceptance or otherwise. The Competent Authority has accepted the report of the Inquiry officer and decided to close the departmental proceedings against the charged officers with the warning to in-service officers to remain careful in future.

Now, therefore, the charges levelled against the following officers/ official of PHE Division Shopian are hereby dropped and the instant case is closed at the departmental level:-

- 1) Shri Shakeel Ur Rehman, the then AEE, PHE Division, Shopian, (presently posted as Executive Engineer, PHE Division Budgam)
- 2) Shri Waheed Hameed Shah, the then Junior Engineer, PHE Division, Shopian (presently posted in Irrigation Division Shopian) and
- 3) Shri Joginder Singh Bali, the then AEE PHE Division, Shopian, (retired as Executive Engineer, JKPDC on superannuation pension on 28.02.2023).

Further, the in-service officers are hereby warned to remain careful in future while discharging official duties.

By Order of the Government of Jammu and Kashmir.


Sd/-
(Shaleen Kabra) IAS
**Financial Commissioner/Additional Chief Secretary,
Jal Shakti Department**

No. JSD-HRM08/46/2022-ADM-JSD (C No.235027)

Dated: 08.05.2025

Copy to the:-

1. Additional Chief Secretary to Hon'ble Chief Minister, J&K.
2. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
3. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
4. Commissioner/Secretary to the Government, General Administration Department, J&K.
5. Director Finance, Jal Shakti Department, J&K.
6. Chief Engineer, Jal Shakti (PHE) Kashmir.
7. Director, Archives, Archaeology and Museums, J&K.
8. OSD to the Hon'ble Minister, Jal Shakti Department, J&K.
9. Pvt. Secretary to the Financial Commissioner/ Additional Chief Secretary, Jal Shakti Department, J&K.
10. Concerneds.
11. I/c Website.
12. Government Order file (w.2.s.cs).


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