

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

Subject:- Regular Departmental Action against Shri Mohammad Taj Choudhary, the then Executive Engineer, Sewerage & Drainage Division West Jammu (Verification No. JSD-25/2020) – closing thereof

Government Order No. 134-JK (JSD) of 2043

Dated:- 21.06.2024

Whereas, the General Administration Department vide O.M. No. GAD-VIG0RDA/42/2022-02 dated 25.07.2022 has forwarded copy of communication No. ACB/Veri-JSK-25/2020-3164-66 dated 23.02.2022 alongwith enclosures, received from Anti Corruption Bureau, J&K, for initiation of Regular Departmental Action (RDA) against Shri Mohammad Taj Choudhary, then Executive Engineer, Sewerage & Drainage Division West Jammu, in terms of J&K CS(CCA) Rules, 1956 and Circular instructions issued vide Circular No. 24-JK(GAD) of 2021 dated 17.07.2021; and

Whereas, the Anti Corruption Bureau, J&K conducted a verification on the basis of a complaint lodged against the officers/officials of UEED Jammu Sewerage & Drainage Division with the allegation regarding providing of contractor cards without following the procedure as well as floating of codal formalities and nexus in allotment of works for last one & half year; and

Whereas, the case has been examined in the department and vide memorandum dated 27.02.2023 the article of charges, statement of imputation & gist of evidence were served to the charged officer through Chief Engineer, I&FC, Jammu with the direction to furnish his written statement within 15 days. The charges farmed against the officer are summarized below:-

- i. The eNIT floated by the officer did not mentioned the estimated cost of the project and only mentioned a CDR amount of Rs. 5.00 lacs which resulted in violation of Rule 170 of GFR.
- ii. The omission of estimated cost compromised transparency, competition leading to reduced bidder participation.
- iii. The estimated cost was not disclosed to the members of the contract committee and the contract committee was constituted after the issuance of eNIT which only reviewed the technical aspects of the tender but not the eNIT document itself.

Whereas, the charged officer submitted his reply and after examining the reply, the same was forwarded to the Chief Engineer, UEED and Anti Corruption Bureau, J&K for their comments and recommendations; and

Whereas, in response, the Chief Engineer, UEED vide his letter No. CE/UEED/PS/723 dated 20.06.2023 and the Anti Corruption Bureau, J&K vide No. ACB/E-51719/Veri-JSK-25/2020-13859 dated 21.09.2023 & 12.09.2023 have furnished their comments/recommendations; and

Whereas, the Chief Engineer, UEED has commented that the charges leveled against the Executive engineer cannot be proved and therefore, not suggestive of departmental action as there has been no violation of provisions of Rule-3 of J&K

Government Employees Conduct Rules, 1971 warranting disciplinary action in terms of Rule-33 of J&K Civil Services (CC&A) Rules, 1956 and recommended that the charges leveled against the Executive Engineer be dropped; and

Whereas, the Anti Corruption Bureau, in light of the reply submitted by the charged officer has observed as under:-

- i. There is no compromise on performance security amount and same has been secured by the department, for an amount of Rs. 44.7 Lakhs, which is persuasively quite proportionate to allotted amount of Rs. 8.94 Crore, as per the condition of bid.
- ii. The nature of work requires specific experience and those who possess such experience have full knowledge about the financial implication of project and nominal fixed EMD criterion shall not necessarily amount of technical misinformation. Scrutiny of record does not indicate that the action has advanced any advantage to a particular contractor and competition is rated fairly healthy, with six (06) contractors having participated in the bid and three (03) having qualified successfully.
- iii. The final allotted amount of 8.94 Crore is on lower side than the original estimated amount of 13.87 Crore. As such no loss has occurred to the Government Exchequer.
- iv. The Final Allotting Authority, of the subject work, is Chief Engineer (retired now) and by issuance of allotment means all technical evaluations have been recognized/endorsed and accepted, ab-initio.

Whereas, reply submitted by the charged officer, comments of the Chief Engineer, UEED as well as Anti Corruption Bureau, J&K were examined in the department and consequent upon the recommendations of the Chief Engineer, UEED for dropping the charges against the charged officer and on the basis of observations of the Anti Corruption Bureau, it has been brought out that the officer did not compromise the conditions of the bidding process, there was a healthy participation in the bid process and no loss to the Government Exchequer has occurred during the entire bidding process; and

Whereas, the recommendations of the Chief Engineer, UEED alongwith observations of the Anti Corruption Bureau were placed before the Competent Authority for its acceptance and the Competent Authority has accepted the recommendation;

Now, therefore, in light of the recommendations of the Chief Engineer, UEED, comments of the Anti Corruption Bureau, J&K, the charges leveled against the Shri Mohammad Taj Choudhary, the then Executive Engineer, Sewerage & Drainage Division West Jammu (Verification No. JSD-25/2020) are hereby dropped and the case is closed at the departmental level.


By Order of the Government of Jammu and Kashmir.

Sd/-

(Shaleen Kabra) IAS
Financial Commissioner/ Additional Chief Secretary
Jal Shakti Department

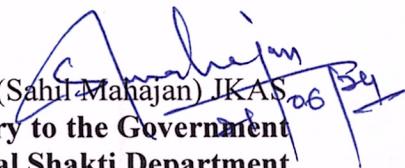
No. JSD-HRM04/14/2022-ADM-JSD (CC No. 241747)

Dated:- 21.06.2024

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.

2. Commissioner/Secretary to the Government, General Administration Department.
3. Director, Archives, Archaeology and Museums, J&K.
4. Chief Engineer, UEED, J&K.
5. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
6. Concerned Officer.
7. Private Secretary to the Financial Commissioner (Additional Chief Secretary), Jal Shakti Department.
8. I/c Website, Jal Shakti Department.
9. Govt. order file/ Stock file.


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