



Satyameva Jayate

Government of Jammu & Kashmir
Department of Rural Development & Panchayati Raj
Civil Secretariat, Jammu/Srinagar

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Subject:- Initiation of Regular Departmental Action against Sh. Amit Vermani, the then BDO Darhal, Rajeev Khajuria, the then BDO Darhal and Mohd Farooq, the then Junior Engineer, (REW), Block Darhal.

Government Order No. 191 -RD & PR of 2022

D a t e :- 01.08.2022

Whereas, General Administration Department vide O.M. No. GAD(Vig)42-RDA/2017 dated 21.06.2017 has forwarded a copy of communication No. VO-Veri-PR-12/2012-6691-91 dated 10.04.2017 alongwith connected document viz draft article of charges, statement of imputation and gist of evidence as received from Director, Vigilance Organization (now ACB) for initiation of Regular Departmental Action against Shri Amit Vermani, the then BDO Darhal, Shri Rajeev Kumar Khajuria, the then BDO Darhal and Shri Farooq Bhat, the then JE, REW, Block Darhal in accordance with J&K Civil Services (Classification Control & Appeal) Rules with the approval of the Disciplinary Authority and the action taken in the matter be shared with GAD (Vigilance)/Vigilance Organization; and

Whereas, draft Article of Charges, Statement of Imputation and other allied documents as received from General Administration Department were forwarded to Director, Rural Development, Jammu on 18/07/2017 with the request to serve upon the same to these delinquent officers/official and advise them to furnish their replies of allegations leveled to the Administrative Department within fortnightly; and


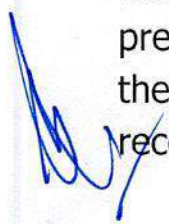
Whereas, vide Government Order No. 332-RD&PR of 2017 dated 14.12.2017, Shri R.K. Bhat, the then Director Rural Development, Jammu was appointed as Inquiry Officer to conduct an inquiry into the allegation leveled by the State Vigilance Organization against these delinquent

officers/official and submit a detailed report alongwith his recommendation to the Administrative Department within a one month; and

Whereas, the Inquiry Officer vide letter No. Estt/RDA/17-18/60033 dated 09.03.2018 furnished the report to this Department, which was examined and the Inquiry Officer on 16.05.2018 was asked to furnish his recommendations/views on the report as submitted by him. Subsequently, the Inquiry Officer vide his communication dated 07.06.2018 furnished the report alongwith recommendation that the allegation leveled against these officers/official required to be dropped in view of the genuineness of the action taken by them; and

Whereas, the report as received from Inquiry Officer was again examined in the Department and after seeking approval of the then Hon'ble Advisor (V), the Regular Departmental Action in respect of Shri Amit Vermani, the then BDO Darhal and Shri Rajeev Kumar Khajuria the then BDO Darhal was dropped and closed vide Government Order No. 70-RD&PR of 2019 dated 15.02.2019. It was also mentioned in the aforesaid Government Order that the matter pertaining to non maintenance of Measurement Books and the charges against Mohd Farooq, Junior Engineer, Block Darhal shall be decided separately after receiving report regarding the same; and

Whereas, vide Government Order No. 107-RD&PR of 2020 dated 23.04.2020, Joint Director (Adm) Directorate of Rural Development Jammu was appointed as Inquiry Officer to conduct an enquiry beyond charge sheet stage into the charges contained in the Article of Charges received from Anti Corruption Bureau and served upon the delinquent official namely Sh. Farooq Bhat, the then Junior Engineer (REW) Block Darhal alongwith statement of imputation and gist of evidence in the RDA case against him. It was also mentioned in the aforesaid Government Order that BDO(HQ) Directorate of Rural Development, Jammu is appointed as Presenting Officer, who will present the case on behalf of the Department before the Inquiry Officer and the Inquiry officer shall submit his report alongwith the specific recommendations within 20 days; and



Whereas, Joint Director (Adm) Directorate of Rural Development, Jammu vide communication dated 24.09.2020 submitted as under:-

His office vide letter No. DRDJ/Compl/2020-21/7066-69 dated 24.06.2020 followed by reminder dated 31.08.2020 directing Block Development Officer, Darhal to submit the Measurement Book showing the record of the progress of the work namely CIC/RIC Building executed at Model Village Dhandkote Block Darhal and Construction of Children Park and all records/documents pertaining to this matter.

Block Development Officer, Darhal vide his office letter No. Estt/BD/Compl/2020-21/240-41 dated 05.09.2020 submitted the following:-

"It is submitted that as verified from Accounts Section of BDO office Darhal in connection with Measurement Book of Model Village Dhandkote in which progress of CFC/RIC building and construction of Children Park under Model Village Dhandkote has been recorded and also matter has been enquired through Junior Engineer concerned Sh. Mohd Farooq Bhat and then Village Level Worker who have stated that the complete record related to Model Village Dhandkote Block Darhal already submitted in the office of Senior Superintendent of Police Vigilance Organization PRR Jammu as per directions of higher authorities, except Measurement Book in which progress of work namely CFC/RIC building executed at Model Village Dhandkote, Block Darhal and Construction of Children Park has been recorded, which could not be traced out in this office.

Further, his office vide letter No. DRDJ/Compl/2020-21/5686-89 dated 20.06.2020 directed Sh. Farooq Bhat, the then JE (REW) Block Darhal to attend this Directorate along with record pertaining to this matter. In pursuance to this, he attended the office and said that he had already submitted the reply regarding the enquiry. "

Whereas, Joint Director (Adm) Directorate of Rural Development, Jammu has intimated that it is not possible to ascertain the allegations leveled against Sh. Farooq Bhat the then JE (REW) Block Darhal without availability of the record as it could not be traced out in Block Office Darhal

as communicated by the Block Development Officer, Darhal in his communication quoted above; and

Whereas, the case was again examined in the Department and the Joint Director (Adm) Directorate of Rural Development Jammu on 04-01-2022 followed by reminder dated 31-1-2022 was requested to provide last opportunity to the delinquent to provide the Measurement Book (**which is supposed to be in his custody being JE**) and other related documents and submit the same to the Inquiry Officer who was directed to re-examine the case and furnish specific recommendations in the matter within 07 days; and

Whereas, the Joint Director, Directorate of Rural Development vide communication No DRDJ/Compl/13/2022-02-RDD/40152-53 Dated 01-02-2022 submitted that vide letter No. DRDJ/ RDA/ 2021-22/ 37181-84 Dated 11.01.2022, Sh. Farooq Bhat, the then JE, REW Block Darhal District Rajouri presently (posted in Irrigation & Flood Control , Sub-Division Surankote, District Poonch) has been given last opportunity to submit Measurement Book and other related documents to the Inquiry Officer. However, Sh. Farooq Bhat the then JE furnished his reply wherein it is submitted as under :-

" the said MB is not lying with him. The said MB has already been submitted in Block office Darhal alongwith C/C fifth and final bill for payment. The payment has been drawn from the office account in favour of the concerned agency/mate by BDO Darhal who need MB for the drawal of funds. As such the concerned MB may kindly be traced out from Block Office, Darhal.

Further, Block Development Officer Darhal vide letter No. DRDJ/RDA/2021-22/37028-31 Dated:- 10.01.2022 and DRDJ/RDA/2021-22/38415-18 Dated 17.01.2022 to submit MB/MB issuing register and relevant documents/record pertaining to the work namely "CIC/RIC Building executed at Model Village Dhandkote Block Darhal and Children Park at Model Village Dhandkote."

In pursuance to this, BDO Darhal vide letter No. BDO/D/2021-22/1935-37 Dated: 17.01.2022 and Acctts/BD/Model Village/2021-22/1941 Dated:-21.01.2022 has furnished reply wherein he has stated that "MBs issuing register for the work namely Construction of CIC/RIC Building executed at Model Village Dhandkote is not traceable."


Whereas, Directorate of Rural Development, Jammu vide letter No. DRDJ/RDA/2021-22/37716-18 Dated 12-01-2022 requested Superintending Engineer, REW, Jammu to intimate the actual custodian of the Measurement Book in BDO office who vide No. SE/REW/J/20-21/2058 Dated 25-01-22 has furnished the reply and the operative part of which is reproduced as under:-


1. *A new Measurement Book duly numbered is issued to junior Engineer on the recommendation of Assistant Engineer/Assistant Executive Engineer by concerned DDO (BDO in Rural Development Department) duly signed by the BDO and its record is maintained on a register(Measurement Book issuance register).*
2. *Once the progress of a particular work is recorded on Measurement Book by Junior Engineer, the test check certificates are recorded by the concerned Assistant Engineer, Assistant Executive Engineer and Executive Engineer, then the Measurement Book along with work bill, work register and other requisite papers are deposited in the BDO office for recording pass order for payment on Measurement Book.*
3. *Further during the time of recording pass order and payment, the Measurement Book remains in the custody of concerned Account section/Camp clerk of BDO Office.*
4. *Once the payment is made, it is obligatory on the part of Account Section/Camp Clerk of BDO Office to get the dated signature of junior Engineer to whom the Measurement Book is reissued on Measurement Book issuance register, which is must in order to track the movement of Measurement Book.*

In this particular case only the Measurement Book issuance register if maintained in the BDO Office could reveal the last custody of Measurement Book."

Whereas, the Inquiry Officer in the instant case has furnished his report and recommended as under:-

1. CIC/RIC Building executed at Model Village Dhandkote Block Darhal :-

 As reported by the Superintending Engineer, REW Jammu that only the Measurement Book issuance register if maintained in the BDO Office could reveal the last custody of Measurement Book. But neither Measurement Book nor MB issuing register for the above said work are traceable and no FIR in this connection has been lodged by the then BDO Office Darhal. Since the work is physically completed & last and final payment of said work has also been made by the then BDO, then it was obligatory on the part of the then Account clerk/camp clerk of BDO office to maintain the record of the movement of MB Book but the same was not maintained by him. It is



therefore recommended that the action under rules be taken against the then Account clerk/Camp clerk of Block Office Darhal._

2 Construction of Children Park at Model village Dhandkote Block Darhal:-

Since the items mentioned as GI wires and angle rods in voucher/bill have not been recorded in MB and the payment of items have been made through voucher after getting physical status report from concerned Junior Engineer which tantamount to clear violation of guidelines. Since there is no loss to State exchequer, hence a strict warning be issued to the delinquent officers/officials i.e. Mr. Farooq Bhat, the then JE, REW, block Darhal & the then BDO to remain careful in future for committing such irregularities in the execution of works/drawal of bills._

Whereas, the Inquiry Officer also recommended that the action under rules be taken against the then Account clerk/Camp clerk of Block Office Darhal and further submitted that there is no loss to State exchequer, hence recommended that a strict warning be issued to the delinquent officers/officials i.e. Mr. Farooq Bhat, the then JE, REW, block Darhal & the then BDO to remain careful in future for committing such irregularities in the execution of works/drawal of bills; and

Whereas, the report of the Inquiry Officer after examination in the Department, it has been decided to ask the Director Rural Development Jammu on 16.3.2022 to identify the then Account Clerk/Camp clerk of Block Development Office, Darhal Rajouri and furnish the same alongwith specific recommendations against them in terms of CCA Rules to this Department within 10 days positively; and

Whereas, Director Rural Development, Jammu vide communication No DRDJ-Compl/13/2022-02-RDD/9454-55 Dated 25-05-2022 furnished the report of Assistant Commissioner (Development) Rajouri vide letter No ACDR/Estt/2021-22/177-78 Dated 09-04-2022 which reads as under:

"Sh Abdul Rashid the then Senior Assistant was posted in Block Darhal and had performed the accounts work during execution of model village Dhandkote. Further, as reported by BDO Darhal the said employee has retired on superannuation on 31-07-2020."

Whereas, as per the above report of Director Rural Development Jammu, the Department could not take any Departmental action against the said retiree in pursuance to Article 168-A of J&K CSR Volume-I at this point of time, ; and

Whereas, the instant RDA case against Sh. Mohd Farooq, the then Junior Engineer, Block Darhal, Rajouri has been examined in the Department in light of the Enquiry Report viz-a-viz other aspects of the case and it has been decided that his Regular Development Action case may be closed with a strict warning that he shall remain careful while performing his legitimate official duties in future; and

Now, therefore, keeping in view of the above findings/recommendations of Joint Director (Adm) Directorate of Rural Development Jammu (Inquiry Officer), the Regular Departmental Action (RDA) case against Sh. Mohd Farooq, the then Junior Engineer, Block Darhal, Rajouri, is hereby closed with a strict warning to remain careful in future while performing his legitimate official duties.

By order of the Government of Jammu and Kashmir.


Sd/-
(Mandeep Kaur) IAS
Commissioner/Secretary to the Government

No. RDD-GAZ/158/2021 (102305)

Dated:01.08.2022

Copy to the:

1. Principal Secretary to the Government, General Administration Department.
2. Joint Secretary (J&K) Ministry of Home Affairs, Government of India, New Delhi.
3. Director, Anti-Corruption Bureau, J&K, Jammu.
4. Director, Rural Development, Jammu for necessary action.
5. Pvt. Secretary to Commissioner/Secretary to the Government, Department of Rural Development and PR.
6. Concerned officials.
7. I/c Website.
8. Government order file/Monday return file (W.3. S.Cs).


(Mohammad Rajab Malik)
Under Secretary to the Government