



Government of Jammu and Kashmir
Public Works (R&B) Department
Civil Secretariat, Jammu

Subject: Initiation of Regular Departmental Action against S/Shri Qazi Mohammad Yousuf, then SMC Ward Officer, W.No.28, Shakeel Ahmad Sheikh then Senior Building Inspector, SMC W.NO. 28. Mohd Ashraf Shigan, then Supervisor SMC W.NO 28. Farooq Ahmad Sheikh, then Supervisor SMC W.No. 28. Syed Sajad Ahmad, then Executive Engineer R&B P.C.Div. 1st Srinagar, Maqsood Shafi Basu then AEE, R&B P.C Div.1st Srinagar, Arif Ahmad Banday, JE R&B P.C.Div. 1st Srinagar. Mohad Ramzan Dar, Works Supervisor, R&B P.C Div. 1st Srinagar. Abdul Rahim Dar Works Supervisor, R&B P.C Div. 1st Srinagar. Abdul Aziz Rather, Guard/Helper R&B PC Div. 1st Srinagar and Abdul Razaq Dar, Guard/Helper R&B PC Div. 1st Srinagar.

Government Order No: 116 PW(R&B) of 2021
Dated: 25 .03.2021

Whereas, the General Administration Department vide O.M.No.GAD(Vig)129-RDA/2017 dated 18.10.2017, along with communication No.VO-ABP-JSC-11/2016-14646-47 dated 31.08.2017 of Vigilance Organization(now ACB) and other papers has forwarded to this department wherein it has been alleged that a single storey shop-line comprising of eight shops situated at National Highway (By-Pass) Bemina Srinagar has been constructed without legal authorization/permission from statutory body Srinagar Municipal Corporation for Initiation of Regular Departmental Action against the above officers/official in terms of CS(CCA) Rules, 1956 with the approval of Disciplinary authorities.

Whereas, the State Vigilance Organization (Now, ACB) has expressed that concerned SMC & R&B officers/officials have failed to timely act and stop the unauthorized construction. The violators have taken undue advantage of Masjid, floods and the unrest 2016 and succeeded in the said construction.

Whereas, the Article of Charges, Statement of Imputation and gist of evidence was served to the above accused officers/officials through Chief Engineer, PW(R&B) Department, Kashmir vide letter No. PW(R&B) HRM/74/2017-Vig dated 12.03.2018.

Whereas, all the above officers/officials submitted their reply of article of charges and vide Government Order No.413-PW(R&B) of 2019 dated 23.09.2019, Er. Shaukat Jeelani, I/c Chief Engineer, PMGSY Kashmir was appointed as Inquiry Officer to enquire into the matter.

Whereas, the Inquiry Officer vide Communication No.CE/PMGSY/PS/10789 dated 13.11.2019, reported that all the delinquent officers/officials of R&B have submitted replies of the article of charges and observed that the Er.Syed Sajad Ahmad

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Executive Engineer and Er. Maqsood Shafi Basu, the then AEE, Project Circle Division-I have not received any information regarding construction of illegal shop line by the Intizamia Committee Masjid Sharief Momineen Abu Baker Colony from the field staff JE/WS/R/G/Helpers, who are physically looking after the jurisdiction. The Executive Engineer has reported that Intizamia Committee Masjid Sharief had filed an FIR No.445/FDR/2014 dated 15.12.2014, wherein they have been reported that the damage was caused to the Masjid Sharief and Darsgah by floods of September 2014, which indicate that no shops were existing at that time and the same have been constructed clandestinely under the guise of restoration of Masjid Sharief/ Darsgah. Er. Arif Ahmad Banday, JE was not Incharge of the jurisdiction during the period in question and the fact is that he remained incharge of the said station from 17.07.2013 to 24.04.2014. The Works Supervisor /Helpers have not seen any activity regarding construction of illegal shops as the Intizamia Committee of Masjid Sharief Momineen Abu Baker Colony had constructed the illegal shops in such a manner that they have covered the whole area with CGI sheets with 10-12 ft height and it was not visible what is happening inside the fencing, otherwise they would have firmed their higher ups for further course of action. After the intizamia committee Masjid Sharief Momineen Abu Baker removed the CGI fencing then only field staff saw the shops constructed illegally, by the Intizamia Committee and informed their officers who have taken up the matter with the concerned quarters i.e, Srinagar Municipal Corporation and got the illegal construction demolished in 2017. The Executive Engineer, Assistant Executive Engineer had to be informed by the field staff i.e, JE/Works Supervisor/Road Work regularly, if any, illegal construction in their respective jurisdiction within this case has not been done as reported by the Executive Engineer and Assistant Executive Engineer in their replies. However the field staff has reported that the Masjid area was covered by CGI sheets and no construction material was visible outside, hence could not verify the construction work being carried out. Moreover, the SMC has to play pivotal role in checking of illegal construction.

Whereas, the Inquiry Officer has recommended that the charges leveled against the officers/officials of PW(R&B) Kashmir may be dropped as it seems that the construction has been made clandestinely under the guise of restoration in view of the FIR lodged by the Masjid Committee. The field staff i.e. JE/Works Supervisor/Road Workers have to remain vigilant in their jurisdiction so that such things should not happen in future and information be submitted to the higher ups immediately regarding any such illegal conclusion.

Whereas, the case file also referred to the DC(W) for comments in the matter wherein the officer has stated that on perusal of the documents, it revealed that the construction of the shopping line has been done in concealed manner under the appearance of the restoration of Masjid at the place and taking advantage of disturbed law and order situation of the valley in 2016 which has also been endorsed by the Vigilance Organization Kashmir in the letter. VO-ABP-JSC-11/2016-11-14646-47 dated 31.08.2017, besides, on 08.03.2017, a demolition drive has been carried by the staff of SMC and PW(R&B) Department whereby about 50% of the structure has been reported demolished as shown in the letter addressed to S.E PW(R&B) circle Srinagar/Budgam by Executive Engineer P.C Division 1st Srinagar vide his

No.PCD-1st /CC/6766-68 dated 08.03.2017 and on the recommendations of Inquiry Officer he is of the opinion that the charges leveled against the officers/officials be dropped, however, a strict warning be given to concerned field staff to remain vigilant/ cautious in future.

Now, therefore, in view of the above and by upholding the recommendations of Development Commissioner, the allegations levelled against Er. Syed Sajad Ahmad, then Executive Engineer R&B P.C.Div. 1st Srinagar, Er.Maqsood Shafi Basu, then AEE, R&B P.C Div. 1st Srinagar, Er.Arif Ahmad Banday, JE R&B P.C.Div. 1st Srinagar, Mr.Mohd Ramzan Dar, Works Supervisor, R&B P.C Div. 1st Srinagar, Mr.Abdul Rahim Dar, Works Supervisor, R&B P.C Div. 1st Srinagar, Mr.Abdul Aziz Rather, Guard/Helper R&B PC Div. 1st Srinagar and Mr.Abdul Razaq Dar, Guard/Helper R&B PC Div. 1st Srinagar are dropped and case is hereby closed. However, all the concerned officers/officials are warned to remain vigilant and cautious in future while performing their duties.

By order of the Government of Jammu and Kashmir

Sd/-
(Shailendra Kumar) IAS
Principal Secretary to the Government
Dated: 25.03.2021

No. PW(R&B) HRM/74/2017-Vig

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs Government of India.
2. Principal Secretary to the Government, Housing and Urban Development Department.
3. Commissioner/Secretary to the Government, General Administration Department.
This is with the reference to his O.M.No.GAD(Vig)129-RDA/2017 dated 18.10.2017,.
4. Development Commissioner (Works), PW(R&B) Department, J&K, Jammu.
5. Director, Anti Corruption Bureau, J&K, Jammu.
6. Director Archives, Archaeology & Museum, J&K Jammu.
7. Chief Engineer, Public Works(R&B) Department, Jammu/Kashmir.
8. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
9. Concerned officers/officials.
10. Private Secretary to Principal Secretary to the Government, Public Works (R&B) Department.
11. I/c Website.
12. Government Order file/Stock file.

(Shahid Mahmood)KAS
Additional Secretary to the Government

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