

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

Subject: - Departmental proceedings against Sh. Rajinder Kumar Gupta, the then Executive Engineer, Jal Shakti (PHE) Division Akhnoor in CP No. 17/2022 & O.A No. 61/93/2021 titled Rakesh Sharma & Anr v/s Sh. M. Raju & Ors - dropping of charges thereof.

Government Order No. 141-JK(JSD) of 2025
Dated: - 03.06.2025

1. Whereas, the Legal Section of Jal Shakti Department vide file CC No. 16506, intimated that Hon'ble Central Administrative Tribunal vide its order dated 25.01.2021 has passed the following directions, the operative part of which reads as under:

"Looking to the arguments of learned counsel for the applicants, the O.A. is disposed of with a direction to the respondents to consider the case of applicants for regularization of their service provided they are eligible for the regularization in accordance with the relevant schemes and acts applicable in their case. This exercise be completed within a period of one month from the date of receipt of certified copy of this order by way of reasoned and speaking order. The applicants may also be intimated regarding the decision taken in this regard by the respondents. It is once again reiterated that the consideration for regularization of services of the applicants shall be considered by the respondent strictly in terms of relevant schemes and rules. The respondents are further directed to release the pending wages of the applicants, if any, due as per rules. It is made clear that we have not entered into the merits of the case."

2. Whereas, applicants i) Sh. Rakesh Sharma S/o Sh. Nanak Chand R/o Village Panjore, Tehsil Marh, Jammu, ii) Sh. Raj Kumar S/o Sh. Nanak Chand R/o Panjore Tehsil Marh, Jammu & iii) Sh. Jagtar Singh S/o Sh. Amrik Singh R/o Chak Channu, Tehsil Marh, Jammu all Need Based Casual Labourers (NBCLs) filed a contempt petition for non implementation of order dated 25.01.2021, and a statement of facts was filed by the then Executive Engineer, PHE Division, Akhnoor, before the Hon'ble Central Administrative Tribunal, Jammu, wherein he stated that the applicants had pending wages amounting to Rs. 7.12 Lacs, and these pending wages would be paid as and when the additional funds demanded from the Higher Authorities are received; and

3. Whereas, the matter was examined by the Chief Engineer, who found that no muster sheets are available in respect of the applicants, which is a prerequisite condition for drawing wages as NBCL under the proper head; and



4. Whereas, the Executive Engineer filed fresh compliance report in the Hon'ble Central Administrative Tribunal on 10.02.2024, stating that "the cases of the petitioners have been considered and the answering respondents have passed a reasoned and speaking order in this regard in which it was submitted that:

"the applicants have already been engaged as CP Workers in Jal Shakti (PHE) Division Akhnoor in lieu of the land donated to the Department as per the SRO 520 Dated: 21-12- 2017 under rule 11(B) (Land Doners) further it is submitted that there is no government policy for regularization of CP worker under SRO 520 and as per the record available in the Office of Jal Shakti (PHE) Division Akhnoor, no muster sheets are available in respect of the applicants which is pre requisite condition for drawing wages as NBCL under proper head. Further it is submitted that the applicants are presently getting their wages regularly".

5. Whereas, Chief Engineer, Jal Shakti (PHE) Department Jammu was requested to furnish the complete details along with the charge sheet against the officer who filed wrong affidavit before the Hon'ble Central Administrative Tribunal (CAT) by making false admission; and

6. Whereas, Chief Engineer, Jal Shakti (PHE) Department Jammu forwarded a copy of charge sheet against Sh. Rajinder Kumar Gupta, the then Executive Engineer, Jal Shakti (PHE) Division, Akhnoor (presently posted in JKPDC) for dereliction of duty for acceptance of liability in respect of pending wages in favour of the applicants in the statement of facts filed before the Hon'ble CAT, Jammu on 17.02.2023 in CP No. 17/2022 titled Rakesh Sharma & Anr. V/s Sh. M. Raju & Ors without verifying the availability of Muster sheets in the office record, for the period the applicants were claiming pending wages; and

7. Whereas, the case was examined in the department, and with the approval of the Competent Authority, vide Memorandum dated 22.03.2024, charge-sheet was served upon Shri Rajinder Kumar Gupta, the then Executive Engineer, Jal Shakti (PHE) Division, Akhnoor, who submitted his reply on 02.04.2024; and

8. Whereas, the reply submitted by the charged officer was examined, and in terms of Rule 33(4) of the J&K Civil Services (Classification, Control and Appeal) Rules, 1956, vide Government Order No. 101-JK (JSD) of 2024 dated 10.05.2024, Inquiry Officer was appointed to inquire into the charges framed against the charged officer and submit his report/ findings alongwith specific recommendations in the matter; and

9. Whereas, the Inquiry Officer submitted the enquiry report on 07.02.2025, wherein it was submitted that the charged officer filed the statement of facts in the Hon'ble Central Administrative Tribunal on the basis of previous communication which was later modified by the present Executive Engineer by filing fresh compliance report denying the claim of the petitioners on the grounds of non availability of muster sheets, thereby avoiding the financial

loss to the Government Exchequer, and thus no malafide intention could be attributed to the charged officer; and

10. Whereas, the Inquiry Officer vide the aforesaid enquiry report, recommended that the charged officer may be issued a strict warning to remain vigilant and not to repeat such negligence in future, especially in the court matters; and

11. Whereas, the case was examined in the department and since, no loss to the state exchequer exists as on date, the matter, along with the Inquiry Report, was placed before the Competent Authority (Hon'ble Minister), who has accepted the findings and recommendations of the Inquiry Officer.

Now, therefore, the charges framed against Shri Rajinder Kumar Gupta, the then Executive Engineer, Jal Shakti (PHE) Division Akhnoor (presently posted in JKPDC) in CP No. 17/2022 in O.A No. 61/93/2021 titled Rakesh Sharma & Anr v/s Sh. M. Raju & Ors are hereby dropped and the case is closed at the departmental level. Further, Shri Rajinder Kumar Gupta, the then Executive Engineer, Jal Shakti (PHE) Division Akhnoor, (presently posted in JKPDC) is hereby warned to remain vigilant in future, especially in court matters.

By Order of the Government of Jammu and Kashmir.


Sd/-
(Shaleen Kabra) IAS
**Financial Commissioner (ACS),
Jal Shakti Department**

No. JSD-HRM04/11/2024-A-JSD (CC No. 7420015)

Dated: - 03.06.2025

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.
4. Managing Director, JKPDC.
5. Director Finance, Jal Shakti Department, J&K.
6. Chief Engineer, Jal Shakti (PHE) Jammu.
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. Concerned officer.
11. I/c Website.
12. Government Order file (w.2.s.cs)


(Sahil Mahajan) J&K AIS
**Under Secretary to the Government
Jal Shakti Department**