

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

Subject: - Departmental Proceedings against Shri Bashir Ahmad Dar, the then AEE, PHE Division Budgam and Shri Najeeb Ul Aziz Trambo, the then Executive Engineer, PHE Division Budgam, in Writ Petition (C) No. 1813/2022, titled Mohd Iqbal Nazki V/s Union Territory of JK & Others.

Government Order No. 177-JK(JSD) of 2025
Dated: - 29.07.2025

1. Whereas, Mr. Mohd Iqbal Nazki had filed WP(C) No. 1813/2022, titled Mohd Iqbal Nazki Vs Union Territory of J&K & Others before the Hon'ble High Court of Jammu and Kashmir & Ladakh at Srinagar, wherein the petitioner claimed to have executed the work for a gross amount of Rs. 3854134.00 and the payment due to the him after deduction is Rs. 3276828.00 in terms of the final bill issued by the then Executive Engineer, PHE Division Budgam; and
2. Whereas, the case was examined in the department and the following facts were observed regarding the claimed work:-
 - i. *Providing & Fixing Sluice Valves, providing and fixing of MS Pipe of 200 mm dia and construction of concrete blocks for charging of newly constructed PST (Pre-Sedimentation Tank) at Kanikoot WSS Budam Town Phase 2nd under JIDFC for an amount of Rs. 8.64 lacs as per Allotment No. PHE/Allot/6926-28 dated 31.03.2017 in favour of Mr. Ali Mohd Mir S/o Mohammad Jaffer Mir R/o Mahawara Budgam against which an amount of Rs. 12.17 lacs were paid.*
 - ii. *Further supplementary agreement was drawn with the same agency for revised/extended contract of Rs. 42.10 lacs (Rs. 8.64 lacs + Rs. 33.46 lacs) on 31.01.2019 duly signed by the contractor in presence of witness Mohd Iqbal Nazki (petitioner) and the bill was raised by the then Executive Engineer PHE Division Budgam under invoice No. PHE/BUDGAM/2020/7276 dated 15.10.2020 for the work having gross amount of Rs. 42.04 lacs which was not paid due to lack of codal formalities.*
 - iii. *A fresh NIT was issued for the same work vide NIT dated 24.11.2021 with revised cost of Rs. 34.40 lacs against which contract has been awarded for an amount of Rs 38.556 lacs in favour of M/s Mohd Iqbal Nazki (Petitioner), who was also witness to the supplementary agreement executed by Executive Engineer, PHE Division Budgam with Ali Mohd. Mir for the work in question.*
 - iv. *Bill amounting to Rs. 38.54 lacs under invoice dated 29.03.2022 was prepared and submitted to the Chief Engineer, PHE Department, Kashmir for uploading the same in the JKIDFC portal for payment. Since, there were similarities in the items quoted in the allotments presented to the Chief Engineer at two different occasions therefore, Chief Engineer did not upload the bill and accordingly Chief Engineer initiated an enquiry and found the bills to be fictitious.*

3. Whereas, vide letter dated 02.07.2024, the Director Anti Corruption Bureau, J&K was requested to investigate the matter and take appropriate necessary action against the officers/officials involved in irregular/illegal sanction/unauthorized award of work; and

4. Whereas, the Chief Engineer, PHE, Kashmir has identified Shri Najeeb Ul Aziz Tramboo, the then Executive Engineer (now retired) and Shri Bashir Ahmad Dar, the then AEE (now retired) in the case; and

5. Whereas, vide memorandum dated 12.04.2024, charge-sheets were served to Shri Najeeb Ul Aziz Tramboo (now retired) and Shri Bashir Ahmad Dar (now retired), the summary of the charges is as under:

Mr. Bashir Ahmad Dar prepared and submitted a bill for an excess payment of Rs. 12.17 lacs against an allotment of Rs. 8.74 lacs, resulting in loss to the State exchequer. Additionally, he submitted a fictitious bill of Rs. 38.54 lacs on account of re-tendering of work to Chief Engineer but was without administrative approval, technical sanction, and fund availability.

Mr. Najeeb Ul Aziz Tramboo has made an excess payment of Rs. 12.17 lacs against an allotment of Rs. 8.74 lacs causing loss to state exchequer. He also revised the amounts of allotted works from Rs. 8.64 lacs to Rs. 42.10 lacs without adhering to codal procedures. Furthermore, Mr. Tramboo was found involved in a criminal conspiracy with contractors through fraudulent re-tendering of work and subsequently submitted a fictitious bill for Rs. 38.54 lacs under invoice No. PHE/BUDGAM/2022/13343, dated 29.03.2022, to the office of the Chief Engineer, PHE Kashmir for drawl of funds against the said fraudulent re-tendered works.

6. Whereas, Shri Najeeb Ul Aziz Tramboo, did not submit any reply to the charges levelled. However, the reply in defense submitted by the Bashir Ahmad Dar was examined in the department and with the approval of the Competent Authority, Inquiry Officer was appointed to enquire into the charges framed against both the charged officers; and

7. Whereas, the Inquiry Officer vide letter dated 29.07.2024 has submitted the enquiry report, followed by additional report on 31.08.2024, which were examined in the department. As per the Inquiry report, the opportunity of hearing was provided to both the charged officers. In response, Shri Bashir Ahmad Dar, the then AEE PHE Sub Division Budgam (now retired) has submitted his detailed written reply. However, Shri Najeeb Ul Aziz Tramboo, the then Executive Engineer, PHE Division Budgam (now retired) has not furnished his reply in response to Articles of Charges and Statement of Imputation of Misconduct, however, vide his communication dated 03.05.2024, he submitted that he has already attained the age of superannuation before (19) Nineteen Months and the Department is trying to involve him in some disciplinary proceedings illegally for which the department has no competence and jurisdiction. The Inquiry Officer has stated that in absence of reply from the charged officer the enquiry could not be initiated and concluded by the Inquiry officer against Mr. Najeeb Ul Aziz Tramboo; and

8. Whereas, the Inquiry Officer vide enquiry report dated 29.07.2024 and dated 31.08.2024 has concluded & recommended as under:-



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Conclusion

The charge-I levelled against Shri Bashir Ahmad Dar, the the AEE, PHE Sub Division Budgam is not proved as the accused officer was not posted in the said division in the year 2019 as the initial allotment and payment to the tune of Rs.12.17 Lacs was made in the year 2017 much before the joining of the accused officer in the said Sub Division.

Regarding charge-II Shri Bashir Ahmad Dar, the then AEE, PHE Sub Division got executed the work after the fresh allotment was issued by the then Executive Engineer on 25.01.2022 to complete the work as per revised proposal for an amount of Rs. 38.55 lacs.

The accused officer cannot be held responsible for inviting tenders and subsequent issuance of allotment without obtaining Administrative Approval, Technical Sanction and availability of funds as the tenders were floated and allotment was issued by the then Executive Engineer at Divisional Level.

There has been one procedural lapse on part of the accused officer for not obtaining proper approval from the Competent Authority for framing of estimate and proposing for re-tendering and completion of balance work of the scheme as the same work was already allotted to some other contractor, who had left the job midway.

Recommendation

The misconduct has not been fully established against the accused officer, namely Shri Bashir Ahmad Dar, the then AEE, PHE Sub Division Budgam (now retired), except for procedural lapse for not seeking the approval for recommending the earlier incomplete work for re-tendering from the Competent Authority, as such same is not considered so grave as to warrant a major penalty as there is no loss to the UT Exchequer as of now. Since, the officer is retired (31.08.2024); it is recommended that the charges leveled against him may be dropped by taking lenient view in the case.

However, Shri Najeeb Ul Aziz Tramboo, the then Executive Engineer, PHE Division Budgam (now retired) has chosen against the Article of Charges and Statement of Imputation served to him but vide his communication dated 03.05.2024 has stated that he has already attained the age of superannuation before (19) Nineteen Months and the Department is trying to involve him in some disciplinary proceedings illegally for which the Department has no competence and jurisdiction. He has further stated that Department must withdraw the Memorandum, Article of Charges and Statement of Imputation issued to him, otherwise he will be constrained to initiate legal action against the Department which tantamount to non response and denial. Under the circumstances the undersigned is not in a position to conclude the enquiry for the said officer and it is recommended that Administrative decision needs to be taken in accordance with the Rules of the J&K Civil Services (Classification, Control and Appeal) Rules owing to the reasons that accused officer has failed to furnish his statement of defense within the stipulated time granted by the authorities.

It is recommended that disciplinary action against the retired officer with respect to charge-III & IV need to be initiated as per Service Conduct Rules by the authorities deemed appropriate, as the undersigned is not in a position to make any firm recommendations in

absence of reply/non-cooperation by the retired officer in his defense in response to the Article of Charges & Statement of Imputation."

9. Whereas, the report of the Inquiry Officer, appointed for the purpose, vide Government Order No. 149-JK(JSD) of 2024 dated 03.07.2024, alongwith supplementary report, were placed before the Competent Authority (Hon'ble Minister, Jal Shakti Department) for acceptance/ otherwise. The Competent Authority has accepted the report of the Inquiry officer and decided to close the departmental proceeding against Shri Bashir Ahmad Dar, the then AEE, PHE Sub Division Budgam (now retired), by dropping the charges at the departmental level.

10. Now, therefore, the charges leveled against the Shri Bashir Ahmad Dar, the then AEE, PHE Sub Division Budgam (now retired) are hereby dropped and the case against him is hereby closed at the departmental level.

By Order of the Government of Jammu and Kashmir.

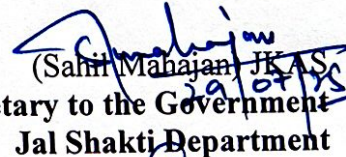
Sd/-
(Shaleen Kabra) IAS
**Financial Commissioner (ACS),
Jal Shakti Department**

No. JSD-HRM04/21/2024-A (C. No.7450824)

Dated: - 29.07.2025

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. Director, Anti Corruption Bureau, J&K, *with the request to furnish the status of investigation conducted by the agency as already requested vide letter dated 02.07.2024, to enable the department to proceed further in the matter.*
5. Director Finance, Jal Shakti Department, J&K.
6. Chief Engineer, Jal Shakti (PHE) Kashmir. *He is also directed to ascertain the person who made excess payment so that recovery is effected as per rules.*
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.
11. I/c Website.
12. Government Order file (w.2.s.cs)


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