

Court frames corruption charges against former XEN, others

■ **STATE TIMES NEWS**
JAMMU: Additional Sessions Judge Anticorruption Udhampur S.C. Katal framed charges against then Xen Mahore and Ors for allotment of most of the work in the R&B SPL. Sub. Div. Mahore to blue eyed persons.

Court framed charges against Sunil Gupta the then XEN Special Sub Division Mahore, Lakh Deep Singh Jamwal, AAO in the office of Xen Special Sub Division Mahore Reasi, Chatter Singh, Abdul Hamid, Mohd Hanief, Farman Ali and Mohd Afzal contractors.

According to ACB case that a verification conducted by Vigilance Organization to enquire into the allegations of allotment of most of the works in the R&B SPL. Sub. Div. Mahore to blue eyed persons in violation of codal formalities reveals that Ex. Engineer R & B Sub. Div. Mahore had shown 162 works executed departmentally during the financial year 2010-11 involving total amount of Rs.2,53,77,520 without inviting any tenders thereby defeating the purpose of ascertainment of rationality of rates and getting the work executed through professional contractors and making the payment without deducting service tax. The information received from Ex. Engineer R & B Spl. Sub. Div. Mahore revealed that the work were executed departmentally on emergent basis through the agency whose land/houses were coming under the alignment of road constructed in the division, where as the verification conducted found that most of the works were executed through Chatter

Singh S/o Mian Ram R/o Kanthi, Ab. Hamid S/o Mohamdoo R/o Bagga Reasi, Mohd Hanief S/o Abdul Rashid R/o Dharnari and Farman Ali S/o Juma R/o Dharmi who were regular contractors and whose land/ house never came under the alignment of road. The verification conducted revealed that the then Ex. Engineer R & B Spl. Sub. Div. Mahore had abused his official position and allotted the works to his blue eyed contractors under the garb of departmental execution and further benefitted them by not deducting service tax while releasing payments in their favour. The verification further revealed that works amounting to approx.2.53 Crore were got executed departmentally by Ex. Engineer R & B Spl. Sub. Div. Mahore by deliberately fragmenting them in parts so as to bring them within the financial competence and undue benefit was conferred upon blue eyed contractors by first allotting them works without inducing any competition and further releasing payments in their favour without deduction of service tax from their payments. The payments have been worked out to Rs.2,53,87,520/- was released without deduction. Accordingly FIR above mentioned for commission of offences under Sections 5(1) (d) read with Section 5(2) P.C. Act, 2006 came to be registered in Police Station Vigilance Organization Jammu (Now ACB) Udhampur.

The investigation officer in the course of investigation has come to the conclusion that total numbers of works executed/ allotted by Sunil

Gupta the then Xen PWD (R & B) Spl. Sub- Division Mahore during the year 2010-11 were 161 numbers amounting to Rs.2,86,32,080/- on which calculation of loss due to the non deduction of service tax @ 10 % come to the Rs. 28,63,208/- to the state exchequer . Investigation further reveals that as per pre-conceived conspiracy hatched among XEN Sunil Gupta, Lakhdeep Singh AAO and blue eyed contractors, out of 161 works 30 no. of works were allotted to Chatter Singh S/o Mian Ram R/o Kanthi amount to time of Rs. 59,98,085/- , 21 were allotted to Abdul Hamid S/o Sh. Mohamdoo R/o Bagga amounting to Rs. 43,86,890/- , 14 were allotted to Mohd Hanief S/o Abdul Rashid R/o Dharnari amounting to Rs. 16,22,945/- , 15 were allotted to Farman Ali S/o Juma R/o Dharnari amounting to Rs. 35,84,600/- and 14 works amounting to Rs.26,41,440/- were allotted to Mohd Afzal S/o Jamal Din R/o Bagga whereas rest of the minor works were got executed through different 30 contractors. It is thus, became clear from the records that 94 works amount to Rs. 1,82,33,960/- were allotted to five blue eyed contractors and to cover up the favours minor works were allotted to 30 others contractors. Executive Engineer has provided list and photocopies of contractor's card of some of contractors. The scrutiny of letter no. 1365 dated 18.06.2013 received from Engineer; PWD (R & B) Spl. Sub Division Mahore revealed that the land / houses of 186 individuals came under the alignment of different roads of PWD (R & B)

Special Sub -Division Mahore. However, the land of none of the contractors like chatter Singh, Farman Ali, Abdul Hamid and Mohd Hanief except Mohd Afzal come under the alignment of any road under rules and as per the practice the works were required to be put to tenders by the department which the department failed to do so. During further investigation it is surfaced that service tax @ 10 % was to be deducted from the contractors while releasing payment to them but no deduction was made from the contractors. Total works executed by contractors were 161, out of which investigation w.r.t 94 works has been conducted & loss of Rs.19,50,954 has been found to the Govt. Exchequer. The challan further revealed that investigation of the remaining 67 works are under progress and investigation has been kept open in terms of Section 173(8) of the Cr.P.C and as and when the investigation of the remaining works is completed, supplementary charge-sheet shall be produced before the court.

Additional Sessions Judge Anticorruption Udhampur S.C. Katal after hearing APP Himanshu Parkash for the ACB whereas Advocates Rakesh Chargoitra, Bhanu Salathia and Gulshan Singh for the accused persons observed that there is sufficient oral as well as documentary evidence available on file/record which on its face value reveals that accused no. 7 (Mr. Sunil Gupta) the then Xen PWD (R & B) Special Sub Division Mahore in league with accused No.1 namely

Lakhdeep Singh Jamwal Assistant Accounts Officer in office of Xen Special Sub Division Mahore deliberately fragmented the works in parts to bring them within his financial competence & by abusing his official position got executed 161 number of works amount of Rs. 2.86 crores without inviting tenders. The accused no 1 & 7 by misuse of their official position & in league with accused no 2 to 6 released the payments to the contractors without deducting the service tax at the then prevailing rate i.e @ 10 %. Out of 161 numbers of work executed the investigation in respect of 94 works was conducted and loss of Rs. 19,50,954/- has been detected to the Govt. Exchequer which is direct benefit to the blue eyes contractors i.e accused no. 2 to 6. The conspiracy is hatched in secrecy sometimes direct evidence cannot be produced but conspiracy angle can be proved by the conduct of the parties. Herein, this case the accused no 7 first fragmented the works to bring under his competence to avoid the tenders & thereafter allot the works to his blue eyed persons. The payment bills were prepared without deducting the service tax & the accused no 1 who was the financial expert also draw the bills without deduction of service tax & the contractors received the undue benefits at the costs of the huge loss to state exchequer. So it can be inferred from the conduct of accused persons that there was meeting of mind of accused persons to drain the state exchequer in order to provide undue benefits to the contractors/ beneficiaries. Thus, accused No. 1 and 7

deliberately by misuse of their official position as govt. officials have misappropriated the Govt. money entrusted to them firstly by not inviting tenders & thereafter, by non-deduction of the service tax @ 10 % resulting loss to the Govt. exchequer in respect of works executed in the year 2010-11, to give benefits to the accused No. 2 to 6 and accused no.2 to 6 in league with accused No. 1 and 7 have received the undue benefits thereby the accused have caused huge loss to the Govt. Exchequer. Hence, a prima facie case is made out for framing charge under sections under Section 5(1)(d) read with section 5(2) J&K P.C.Act 2006 read with section 120-B RPC against the accused No. 1 and 7 whereas prima facie case u/s 120-B RPC is made out accused No. 2 to 6. The accused persons are charge-sheeted accordingly.

DB upholds judgment of writ court directing regularisation of employees in Transport Department

■ **STATE TIMES NEWS**
JAMMU: A Division Bench of Jammu & Kashmir High Court Comprising Chief Justice Pankaj Mithal and Justice Mohan Lal while dismissing the appeal filed by Transport Commissioner & other challenging the judgment of writ Court whereby Writ Court found petitioners have been found entitled for regularization of services in accordance with the prevailing rules and regulations.

DB after hearing both the sides observed that this Court examined the communication dated 03.09.2009 which is part of the record. It is a letter addressed by the Transport Commissioner to the Commissioner/Secretary to the Government for the purpose of considering the cases for regularization of services of the employees of the Department in accordance with the above Act. The said communication contains a chart in the prescribed proforma 'C' giving the name of the employees, their designation, pay, date of initial appointment, the designation of the appointing authority, whether the person is continuing in service and if his appointment was against a clear vacancy or otherwise. The said chart clearly mentions that the petitioners/respondents were appointed against clear vacancy as orderlies on check post on a consolidated remuneration of Rs.1500/- per month by the Transport commissioner and that they are continuing in service from the date of their initial appointment.

DB said that the aforesaid communication clinches the issue regarding the appointment of the petitioners/respondents and establishes beyond doubt that as per the own show-

ing of the Transport Commissioner, they were appointed against the clear vacancies. DB observed that in view of the aforesaid facts and circumstances, both the grounds that the appointment of the petitioners/respondents was not against clear vacancy or post, and that they were paid from the contingent fund do not stand substantiated and as such the writ court committed no error of law in holding that they are entitled for regularization of their services under the Act.

DB further observed that the order refusing regularization of services to the petitioners/respondents states that as their appointment is not against clear vacancy or post, they are not qualified for regularization in terms of Section 5 of the Act. The veracity of the said letter has to be judged on the basis of the reasoning recorded therein and that the said reasoning cannot be supplemented by means of pleadings or arguments as has been held by the Apex Court in the case of Mohinder Singh Gill and another v. Chief Election Commissioner and others, wherein it has been laid down that when a statutory authority makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. In view of the above dictum the appellants in fact, cannot be permitted to take up any other ground other than refusing regularization on the account of not appointment against clear vacancy or post. It may not be out of context to point out that any intermittent breaks of one or two days in service would not disrupt the continuance in service as such

breaks are artificially created. The fact remains that the services continued from day one till the appointed day resulting in completion of seven years of service. The Act contemplates seven years of completed service rather than continuous service and in such a situation intermittent breaks of a day or two or such artificial breaks are meaningless and would not be sufficient to hold that the petitioners/ respondents do not have seven years of service to their credit.

DB observed that the recent decision of the Supreme Court in State of Jammu and Kashmir and others v. District Bar Association, Bandipora, that the scheme for regularization framed by the government must be for validating certain irregular appointments and cannot be used to validate illegal appointments and that the court cannot issue direction for regularization without considering the mandate of the Supreme Court and the prevailing rules and regulations on the subject, is of no help to the appellants in the present case inasmuch as no illegality has been pointed out at any stage in the appointment of the petitioners /respondents. They may have been irregularly appointed and it is for this reason their cases fell for consideration of regularization in accordance with the statutory provisions of the above Act. The writ court has considered their cases for regularization in the light of the provisions of the Act without impinging upon the mandate of the Apex Court. The petitioners/respondents have been found entitled for regularization of services in accordance with the prevailing rules and regulations. 18. In view of all that has been said above, we find no illegality in the judgment and order passed by the writ court. The appeal as such is bereft of merits and is dismissed with no order as to costs.

DGP sanctions over Rs 3.22 cr Welfare loan/relief

■ **STATE TIMES NEWS**

JAMMU: In continuation to Police Headquarters' series of welfare measures for J&K Police personnel, the Director General of Police (DGP) J&K Dilbag Singh has sanctioned over Rs 3.22 crore welfare loans/relief in favour of 344 personnel to meet their immediate financial needs. The amount has been sanctioned out of Central Police welfare Fund vide PHQ's order No.3423 of 2121. Under this order the financial assistance of Rs 51 lakh has been sanctioned in favour of 64 police personnel for self-treatment and treatment of their dependents. Similarly, Rs 1 lakh each has been sanctioned in favour of 258 police personnel to meet the expenses of their own marriage, and marriage of their sons/daughters. Ten police personnel have been provided welfare loan of Rs 1 lakh each for higher/professional education of their wards. Rs 3 lakh has been sanctioned in favour of six police personnel for circumcision and Yagnopavit of their wards. Under this order, Rs 90,000 as welfare relief has been also sanctioned in favour of six police personnel.

RASHTRIYA RAKSHA UNIVERSITY
(An Institution of National Importance)
Pioneering National Security and Police University of India
Lavad - Dehgam - 382305 Gandhinagar, Gujarat, INDIA
Phone: +91 79-68126800, Fax: +91 79-68126820, Website: www.rru.ac.in

Notice for inviting tender for providing round the clock Contractual Security Services at Rashtriyia Raksha University.

The Rashtriyia Raksha University invited E-Tender for providing round the clock contractual security services at the Permanent University Campus, Lavad.

Sr. No.	Name of Items with Description
1	Notice for inviting tender for providing round the clock Contractual Security Services at Rashtriyia Raksha University for 2 year (1 year + plus one year extendable subject to satisfactory performance on Negotiated terms and condition)

Interested bidders from all over India can download and submit tender document from the website <https://eprocure.gov.in> which is already floated on Dt. 15/11/2021 at 11:00 AM.

Any other mode of submission shall not be entertained. Details of tender are available on University website

www.rru.ac.in

16/11/2021

IFN/1521/21-22

I/c. Registrar

GOVERNMENT OF JAMMU & KASHMIR (UT)
OFFICE OF THE COMPETENT AUTHORITY FOR LAND ACQUISITION (CALA) UNDER NH ACT, 1956 CUM DEPUTY COMMISSIONER, KATHUA.

PUBLIC-NOTICE
(Under Section 3G(3) of National Highway Act-1956)
NOTIFICATION No. 277
Kathua, Dated: 13-10-2021

It is to inform to all concerned that in exercise of the powers conferred by sub-section (1) of section 3D of the National Highway Act, 1956 (48 of 1956); and, further in pursuance of sub section (2) of section 3D of the said Act, the Central Government declared that the land specified in the said notification No. S.O 3525 (E) dated 31 August 2021 & also S.O 3782 (E) dated 15 September 2021, (vii. Narolan), published in the Gazette of India extraordinary Part II, Section 3-Sub Section (ii) has vested absolutely in the central Government free from all encumbrances, for building, maintenance, management and operation of Newly proposed Delhi - Ludhiana, Amritsar - Katra Expressway no. NE-05 in the stretch of land from Km 432.300 to Km 475.700, falling under villages **Majra, Mahsoospur, Ram Nagar and Samper Sapla of Tehsil Kathua & Khokhial, Narolan and Kirpal of Tehsil Nagri Prol of District Kathua**, in the UT of JAMMU AND KASHMIR.

Now, therefore, in compliance of sub-section (3) of Section 3G, the Competent Authority hereby invites all the landowners or persons interested in the land being acquired under these proceedings to submit their claims in respect of the land mentioned in the 3D within a period of **15 days** from the date of publication of this Public Notice in the office of the Competent Authority.

All the persons interested (owner of the lands and other interested persons (s)) in the lands specified 3D Schedule as published in the newspaper i.e. **Daily Excelsior, State Times** edition of **Saturday September 4, 2021** and also **Amar Ujala** edition of **Sunday September 5, 2021**, (**State Times, Amar Ujala** for vill. Narolan only edition of **Wednesday, September 22, 2021**), are hereby called upon to submit their claims in the said land with regard to their share, area of land, any assets attached thereto e.g. Structures/ trees etc. and state the nature of the respective interest in such lands along with relevant records. The said landowners or persons interested therein shall also furnish the particulars of their Bank Accounts to which they would like their compensation amount to be credited. The claims may be submitted in the following indicative format:

Name of village/Town	Name of the Landowner/ interested person	Field Survey No.	Area of land in his share	Any structures/trees/tubewell attached to the land	Name of the Bank & Branch in which he/she holds the Account	Particulars of the Bank Account No. _____, IFSC Code of the Bank Branch
Sd/- Rahul Yadav, IAS Competent Authority for Land Acquisition (Deputy Commissioner) Kathua						

OFFICE OF THE DIVISIONAL FOREST OFFICER
SOCIAL FORESTRY DIVISION, UDHAMPUR
e-TENDERING
Tender Notice-e-NIT No:28 of 2021-22 Dated:12/11/2021

For and on behalf of the Lt. Governor, Union Territory of Jammu & Kashmir, e-tenders are invited from approved and eligible contractors registered with UT of J&K Govt./Central Govt. Organizations for the following works:-

Name of Works

S/N	Name of work	Adv. Cost (₹ . In Lac Contractor	Class of Tender	Cost of Document	Time of Completion	Receiving /Opening Authority	Geo-Reference
01	Construction of Fencing using Square PCC Fence Posts & G.I Barbed Wire (5 Strands with 2 Criss Cross)at VWL Patli-IH (1100 Rht)	0.880	A,B,C & D	Rs.300/-	15Days	Tender Opening Committee	32.887582 75.2555132
02	Construction of Fencing using Square PCC Fence Posts & G.I Barbed Wire (5 Strands with 2 Criss Cross) at Strip Tarmingale(2550 Rht)	2.040	A,B,C & D	Rs.500/-	15Days		32.512330 75.158825
03	Construction of Fencing using Square PCC Fence Posts & G.I Barbed Wire (5 Strands with 2 Criss Cross) at VWL Lorchia(2600 Rht)	2.080	A,B,C & D	Rs.500/-	15Days		33.188085 74.737188
04	Construction of Fencing using Square PCC Fence Posts & G.I Barbed Wire (5 Strands with 2 Criss Cross) at Strip Co.76/K-N(1030 Rht)	0.824	A,B,C & D	Rs.300/-	15Days		832° 89 55.53° 75° 24 52.25°

The e-NIT consisting of qualifying information, eligibility criteria, specifications, bill of quantities,(B.O.Q), Set of Terms & Conditions of contract and other details can be seen/downloaded from the departmental Website:- www.jktenders.gov.in

Position of funds :	Budgeted
Position of AA :	Accorded& Position of TS : Accorded
Publishing Date.	12-11-2021
Download Start Date.	12-11-2021 from 05:00 PM
Bid Submission Start Date.	13.11.2021 from 09:00 AM
Bid Submission End Date.	26.11.2021 upto 06:00 PM
Date of opening of Technical Bid.	27.11.2021 at 12.00NOON (in the Office of Regional Director, Department of Social Forestry, OPP. NITCO Lane, Jammu).
Date of opening of Financial Bid (online)	27.11.2021 at 01:00 PM (in the Office of Regional Director, Department of Social Forestry, Opp. NITCO Lane, Jammu).

The Bids shall be deposited in electronic format on the Departmental Website:- <https://jktenders.gov.in>.

- The price bids uploaded on the website in time will be opened on 27.11.2021 at 01:00 PM in the Office of Regional Director, Department of Social Forestry, Opp. NITCO Lane, Jammu. In case of date of opening of the bid being public holiday, the same will be opened on the next working day at the same time and venue.
- Bids must accompany cost of tender document as shown against each work in the shape of Treasury Chalan for the amount shown against the work above to be deposited in Govt. Treasury under Account Head 0406-Forest. The bids for the work shall remain valid for a period of 90 days from the date of opening of bids.

- In light of Govt. Notification issued by Finance Department Civil Secretariat Vide No. A/24(2017)-651 dated:-07-06-2018, the bidder must upload the copy of challan / receipt on account of cost of tender documents remitted in the treasury concerned and for that the bidders must write an application to be addressed to treasury officer concerned requesting therein for remittance of amount as cost of tender documents towards M.H.0406-Forest.
No.-1749-52/SFD/U **DIP/J-9221/21** Sd/-
Dated:-12-11-2021 **Dated:- 17/11/2021** Divisional Forest Officer
Social Forestry Division
Udhampur

J&K Bank
The Jammu & Kashmir Bank Ltd
Zonal Office Jammu Central-I
Rail Head Complex, Jammu - 180012
Phone : 0191 2471090

PREMISES REQUIRED

The Jammu & Kashmir Bank invites offers from owners of premises for outright purchase/on lease basis for housing its Business Unit/office at Domana, Jammu

Carpet Area of Premises	Location
Apprx.1500-2000 sft	Domana, Jammu

The interested parties/persons owning the premises and having a clear title and valid permission for commercial activities over the property should submit their offers in format prescribed by Bank by or before 09.12.2021. The tender documents and the terms and conditions relating to same can be obtained in person from Zonal Office mentioned above during working hours and also can be downloaded from Bank's website www.jkbank.com upto 09.12.2021. The Bank reserves the right to cancel/reject any/all offer(s) without assigning any reason thereof.

Ref. No: JRB/Gen/2019/C-1892 **DIP/J-4273-P/21** Sd/-
Dated: 17.11.2021 Zonal Head

NORTHERN RAILWAY
TENDER NOTICE
Senior Divisional Mechanical Engineer (CS&V) Firozpur acting for and on behalf of The President of India invites E-Tender for the works/services listed below. Bidders will be able to submit their original/revise bids up to closing date and time only. Manual offers are not allowed against these tender. Document cost and earnest money only through online payment modes available on www.irps.gov.in in portal like net banking, debit card, credit card etc. Manual payments through Demand draft, Banker's cheque, Deposit receipts, FDR etc. are not allowed.

Tender Type	Bidding System	Date of uploading tenders	Bid closing Date/Time	Date and Time of Opening E-Tender
Open	Single Packet System	18.11.2021 Time 17:30 hours	19.12.2021 Time 15:00 hours	19.12.2021 Time 15:05 hours

Details of Tender

S.No.	Tender Number	Refilling of 2386 nos. of Fire Extinguisher (05 Kg) along with Testing and Maintenance for the period of three years (Thirty Six Months) for Firozpur (ZR) Division.	Advertised Value	Tender Document Cost	Earnest Money	Validity of offer	Period of completion
1.	05-2021		30.83,185.30/-	00.00/-	00.00/-	45 Days	36 months

For more details please log on to www.irps.gov.in 2672/21

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