

**Government of Himachal Pradesh
Public Works Department**

No. PBW-AA (5)-15/2011-Vol.I

Dated, Shimla-2, the 07-07-2018

ORDER

Whereas Sh.Rattan Kumar Sharma, EE(D) Nahan Circle has submitted representation dated 29.3.2018 against this department order of even number dated 20.6.2017 vide which penalty of 'censure' has been imposed upon him for – (i) splitting of tender to bring their level below the threshold level for the award of works without publicity & competitive bidding (below 0.50 lakhs), and (ii) accord sanction for such splitted tenders. He has requested for review of order dated 20.6.2017.

Whereas in his representation dated 29.3.2018, the said Sh.Rattan Kumar Sharma has submitted that this case was regarding splitting of tenders during year 2010-11 and 2011-12. In the inquiry report, the Inquiry Officer has not proved charges against him. He has also contended that the Inquiry Officer has specifically mentioned in his inquiry rept that splitting can be justified in case of maintenance works of emergent nature, hiring of machinery for clearance of blocked roads during heavy rain and snow, especially during Apple season. It has also been observed by the Inquiry Officer that this action can also be justified as there is always pressure on the field officer to execute these works immediately from the local representatives and by the general public, as it would have taken more time if these works are sent for publicity n press especially when hiring of machinery is required for the clearance of blocked roads immediately during rains, snow and Apple season so that people can transport their goods to and from the nearest marketing centre. Further, he has submitted that no extra liability has been cropped up and the works have been awarded within available budget to meet emergent requirements. Moreover all the DNIT's have been approved by the division office. He has also added that this case was instituted in the year 2011 and it took 6 (six) years for its conclusion. If this case would have been decided in the year 2011 or even till 2015, even with the penalty of censure he would have got he promotion to the post of XEN during 2015 along with his juniors and now more

And whereas before deciding his representation dated 29.3.2018. he was given personal hearing on 29.6.2018. During his personal hearing. he reiterated his submissions that he has made in his representation dated 29.3.2018. After careful consideration of the facts of case, it has been found that as per Rule 29-A of the CCS(CCA) Rules, 1965 the orders passed under these rules can be reviewed, at any time, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has been effect of changing the nature of the case, has come, or has been brought to notice. Further, it has been found that the disciplinary proceedings were instituted in the year 2012 and the Inquiry Officer has submitted his report vide his letter dated 22.5.2014. There is point in his submission that in case he would have been imposed penalty of censure even during 2015, he would have got promotion and other service benefits alongwith his juniors and imposing penalty of 'censure' in the year 2017 has turned into a major penalty. Moreover, as per findings of the Inquiry Officer and keeping in view of the fact that he has no major role is splitting of tenders, the penalty of censure imposed upon him vide order dated 20.6.2017 is little harsh.

Now, therefore, by taking lenient view, I am inclined to accept his submissions made by him in his representation dated 29.3.2018 also taking into account his long service career still due (Date of retirement 30.11.2033) and to exonerate him of the charges leveled against him but with the strict warning to the officer that he will be careful in future while dealing with such matters and will follow financial procedure & prudence.

Regd.

Sh. Rattan Kumar Sharma, EE(D)
HPPWD Circle Nahan
Distt. Sirmour, HP.

Endst. No. As Above

Copy for information and necessary action is forwarded to the the Engineer-in-Chief, Nirman Bhawan, Shimla-2.

Man
(Manisha Nanda) 7.7.18

**Addl. Chief Secretary (PW) to the
Government of Himachal Pradesh**

Dated, Shimla-2, the 07-07-2018

(Balbir Singh)

Under Secretary (PW) to the