

Government of Himachal Pradesh

Jal Shakti Vibhag

No.JSV-A-B(2)-4/2024 Dated:-Shimla-171002, the

19th June, 2024

ORDER

WHEREAS, a complaint was lodged against Sh. Gian Chand Sharma, Contractor committing irregularities in two water supply schemes constructed under Sawajaldhara scheme in Jal Shakti Sub Division, Kaffota under Division, Paonta Sahib and another case FIR No. 2/2013 dated 07.03.2013 u/s 420, 120 B IPC and 13(2) PC Act r.w.s 13(I) (c) PC Act, SV&ACB Nahan against Sh. Deva Nand, the then Junior Engineer (Civil) & Sh. Karam Singh Lineman and others, Jal Shakti Sub Division, Kaffota Sub Tehsil Kamrau District Sirmour at Nahan.

AND WHEREAS, the Superintending Engineer, Jal Shakti Circle, Nahan has appointed Er. Jagbir Singh Verma, Executive Engineer as Inquiry Officer to inquire into the allegations levelled in the complaint. After examining the inquiry report concluded by the Inquiry Officer, it is revealed that Sh. Deva Nand, Junior Engineer (Civil) was posted at Jal Shakti Section, Kamaru whereas the Gravity Water Supply Scheme (GWSS) falls in the Gram Panchyat, Thontha Jakhal, District Sirmour which falls under the jurisdiction of Jal Shakti Section, Kaffota whereas one Sh. Randeep Kumar, Junior Engineer (Civil) was posted there at that time. Based on the Inquiry report and as recommended by the Engineer-in-Chief, Jal Shakti Vibhag, it was decided to close the complaint in view of non-credible/in-sufficient existing evidences for conviction on 10.01.2024.

AND WHEREAS, a case FIR No. 02/2013 dated 07.03.2013 u/s 420, 120B IPC and 13(2) PC Act r.w.s 13(I) (c) PC Act, SV&ACB Nahan against Sh. Deva Nand, the then Junior Engineer which was listed in the Court of Special Judge-II Sirmour District at Nahan on 15.06.2022 and it was ordered to close the FIR No. 02/2013 dated 07.03.2013 in view of in-sufficient evidences/proof.

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The operative part of the judgment is reproduced as under:-

2. I have also perused the entire record of the case. Since the complainants failed to appear in the Court despite of service, therefore, it can be presumed that they have nothing to say in the matter. Moreover, no sufficient proof could be collected to prove the allegations leveled by the complainants against the accused persons. In view of this, I do not find any reason to differ with the closure report submitted by the police, therefore, the closure report filed by the police is accepted and case FIR 2/2013 dated 07.03.2013 under sections 420, 120-B IPC and sections 13(2) read with section 13(1)(C) of P.C. Act is ordered to be cancelled. Copy of this order be sent to the S.P. SV& ACB, Shimla for record and file after due completion be consigned to record room.

AND WHEREAS, in pursuance to the judgment dated 15.06.2022 in case FIR No. 2/2013 dated 07.03.2013 of the Special Judge-II Sirmour, the Engineer-in-Chief, Jal Shakti Vibhag has also decided to close the case FIR 02/2013 dated 07.03.2013 in view of in-sufficient evidences/proof on 20.01.2024.

AND WHEREAS, since criminal/departmental proceedings has also been dropped/closed and the said officer has been fully exonerated. Therefore, it has been decided by the Government to open the sealed cover(s) in respect of the said officer for the different years.

AND WHEREAS, the Departmental Promotion meeting were held for the year, 2014 and 2015 and the assessment of the Departmental Promotion Committee were kept in "Sealed Covers" for promotion to the post of Assistant Engineer (Civil). As per the Vigilance Clearance Certificate issued by the Vigilance Department, the assessment of Sh. Deva Nand, the then Junior Engineer (Civil)

has been opened in which the name of Sh. Deva Nand has been considered for promotion to the post of Assistant Engineer (Civil). The Chapter 16.32 of Hand Book on Personnel Matters Vol.-I provides that "where the recommendations of DPC has been kept in sealed covers solely on account of pendency of the criminal case, the sealed cover may be opened in case of acquittal of the Government servant provided, it has not been stayed by a superior court".

NOW THEREFORE, on the recommendations of the Departmental Promotion Committee, Sh. Deva Nand, Junior Engineer (Civil) is hereby promoted to the post of Assistant Engineer (Civil) (Class-I, Gazetted) in the Level-18 of Pay Matrix i.e. Rs. 56,100-Rs.1,77,500/- with effect from 17th November, 2014 (on notional basis) and on regular basis, with immediate effect.

AND WHEREAS, the name of Sh. Deva Nand, Assistant Engineer (Civil) will figure at Seniority No. 83-A below the name of Sh. Kishore Kumar (Seniority No. 83) and above the name of Sh. Anand Blouria (Seniority No. 84) in the final seniority lists of Direct/Degree/AMIE Assistant Engineer (Civil) circulated vide OFFICE MEMORANDUM No.IPH-A-B(15)-23/2019 dated 18th May, 2020.

The officer shall also exercise option for fixation of pay under the provisions of FR-22, within a period of one month from the date of issue of this order.

The officer shall continue to work at his present place of posting and submit his joining report of assumption to this Department immediately.

BY ORDER



Onkar Chand Sharma

Additional Chief Secretary (Jal Shakti) to the
Government of Himachal Pradesh

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Endst. No. JSV-A-B(2)-4/2024

Dated:

19th June, 2024

Copy forwarded for information & necessary action to:-

1. The Accountant General (Audit) H.P. Shimla-171003.
2. The Accountant General (A&E) H.P. Shimla-171003.
3. The Engineer-in-Chief, Jal Shakti Vibhag, Jal Shakti Bhawan, H.P.-171005.
4. All the Chief Engineers, Jal Shakti Vibhag, H.P.
5. The Secretary, HP Public Service Commission, Nigam Vihar Shimla-171002.
6. The Superintending Engineer, Jal Shakti Circle, Nahan, H.P.
7. The Executive Engineer, Jal Shakti Division, Paonta Sahib District Sirmour, H.P.
8. Shri Deva Nand, Assistant Engineer (Civil), Jal Shakti Sub Division, Puruwala Division, Paonta Sahib District Sirmour, H.P.
9. Personal/Guard file.

M. Pal Verma
(Mahi Pal Verma)

Deputy Secretary (Jal Shakti) to the
Government of Himachal Pradesh
Phone No. 0177-2880484

BY ORDER
[Signature]
Gopal Chand Sharma

Additional Chief Secretary (Jal Shakti) to the
Government of Himachal Pradesh

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