

Government of Jammu & Kashmir
Skill Development Department Civil Secretariat,
Jammu/Srinagar

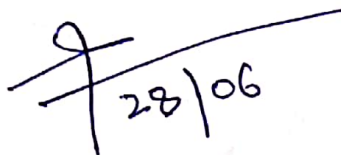
Subject: Post-facto Accord of Administrative Approval for Government Polytechnic College at Poonch, sanctioned under Centrally Sponsored Scheme "Submission on Polytechnics under Co-ordinated Action for Skill Development"- *kept in abeyance thereof.*

Government Order No. 38 - JK (DSD) of 2021
Dated: -28-06-2021

1. Technical Education/Skill Development Department placed Rs. 6 Crore at the disposal of Director, Skill Development for construction of Polytechnic College at Village Banwat, Poonch. However, Forest Department stopped the work citing the grounds as the land site was forest land, therefore, Director, Technical Education (now DSD) finalized alternate site at another village Sathra and J&K Project Construction Corporation Ltd (JKPCC) started construction work in 2016.
2. However, the Contractor Farooq Hussain to whom construction of Polytechnic college, Poonch was allotted at previous site approached High Court through OWP No.711/2016 titled Farooq Hussain V/S State & Ors for quashment of the work assigned to JKPCC, to permit the petitioner enabling him to execute the work at alternate site.
3. Whereas, Hon'ble Court vide order dated 28-08-2017 disposed off the OWP with following directions.

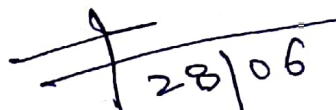
"In view of the preceding analysis, the decision taken by the respondents 1 to 7 for awarding the contract for construction of Polytechnic College in Poonch is hereby quashed. The high level committee headed by chief Secretary, J&K is directed to take well considered decision with regard to allotment of the contract in question awarded to the petitioner by a speaking order within a period of one month from today. Needless to say that the aforesaid high level committee shall hear the petitioner as well as the representative of the corporation and shall bear in mind the concept of public interest including the public exchequer as well the observations made by this court in preceding paragraphs. It is expected that aforesaid high level committee shall bestow its consideration with utmost seriousness and shall have due regard to the fact that the matter pertains to completion of public project which cannot brook any delay."

4. Whereas, in pursuance to Hon'ble Court directions, a High Level Committee was constituted under Chief Secretary J&K, vide Government Order No.1487- GAD of 2017 dated.23-11-2017. The committee, after detailed deliberations and in consideration of court directions, directed as below:-


28/06



- a. *The first site identified for the Polytechnic College shall not be pursued due to legal dispute persisting at the site and due to objection of the Army authorities, the site being in proximity to the ammunition depot.*
 - b. *The work of Polytechnic Building will be taken up at Sartha village (alternate site) where the JKPCC has executed land leveling work.*
 - c. *In case the contractor, (Sh. Farooq Hussain,) agrees to execute the work on the construction of the government Polytechnic college at the alternate site i.e. Sartha at the amount bid for the first site excluding the value of the work already executed by JKPCC (to be assessed by a team of Engineers nominated by Commissioner/Secretary, R&B), the contractor may be allowed to execute the contract after submitting an undertaking to that effect.*
 - d. *In case, the contractor (Sh. Farooq Hussain) does not agree to execute the work at the bid rate, the earlier contract may be cancelled. Consequent to this, PWB(R&B) shall invite fresh tenders for execution of the work at Sartha Poonch. JKPCC shall also be allowed to compete in the tendering process in exemption of CDR amount being a Government PSU.*
5. Accordingly, Chief Engineer, PW(R&B) Jammu (executing agency) allotted the work to the petitioner/ contractor namely Farooq Hussain, which was to be completed by July, 2020 and has been delayed by one year.
 6. Principal Secretary to Government, Skill Development Department, reviewed the latest status in a meeting held on 15/06/2021 in which , *inter alia* , with secretary Law, Director Skill Development, Development Commissioner (Works), Chief Engineer, PW(R&B) Jammu, Director Finance, SDD, Joint Director (Planning),SDD, Additional Secretary, SDD participated.
 7. During the meeting wherein it surfaced that the decisions of the High Court Committee/Skill Development Department/Executing agency has been violated in terms of cost ceiling and time lines.
 8. JKPCC initially carried out site development at a cost of Rs. 50 lacs and balance work was to be executed by the contractor at a cost of Rs.7.24 crore. So far , out of Rs.5 crore released to Chief Engineer, PW(R&B) Jammu , Rs 4.45 crore have reportedly being released against work done cost to the contractor which includes land leveling /site development not envisaged in original estimates . Unspent balance of Rs 1crore is lying with Director, Skill Development, J&K.
 9. In the interim, Chief Engineer, PW(R&B) Jammu submitted a revised DPR for Rs.16.16 crore for which Administrative Approval was accorded vide Govt. Order No. 43- JK(DSD) of 2020 Dated: 24/12/2020 for balance funding through JKIDFC under languishing scheme of Finance Department.
 10. However, Prima-facia, it appears that the executing agency and DSD have suppressed material facts despite court orders on ceiling imposed by the High Court Committee. The


28/06



undertaking by the contractor in original as per the court orders is not traceable in the records of DSD/ Chief Engineer, PW(R&B) Jammu. The matter has been brought to the notice of Chief Secretary, Finance Department and Law Department in consultation with Advisor (B) for directions in the matter.

11. Now, on the basis of facts that have come to the notice of Administrative Department, Administrative Approval accorded for construction of Government Polytechnic College Poonch vide Govt. Order No. 43- JK(DSD) of 2020 Dated: 24/12/2020 for Rs.1615.54 lac is **kept in abeyance** till the matter is investigated in depth by Development Commissioner (Works) in consultation with DSD/ Chief Engineer, PW(R&B) Jammu after spot visit with DSD and Chief Engineer, PW(R&B) Jammu and a revised DPR submitted by the executing agency for accord of AA with in cost ceiling imposed by the High Court Committee and balance funding , if any , by JKIDFC under the Languishing Project Scheme.

By order of the Government of Jammu & Kashmir.


Sd/
(Dr. Asgar Hassan Samoon) IAS
Principal Secretary to the Government
Skill Development Department

No. TE/Plan/Poly/212/2017-P-I

Dated: 28 -06-2021

Copy to the:-

1. Financial Commissioner to Government Finance Department, J&K.
2. Development Commissioner (Works), Civil Secretariat J&K..
3. Chief Engineer PW(R&B) Department Jammu .
4. Director Skill Development Department, J&K Jammu for information.
5. Private Secretary to Principal Secretary to the Government Skill Development Department for information of the Principal Secretary.
6. Government order file.


Joint Director (P&S) 28/06/2021
Skill Development Department
28/06