

Government of Jammu & Kashmir  
Housing & Urban Development Department  
Civil Secretariat, Jammu  
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Notification  
Jammu, the 25<sup>th</sup> January, 2022

S.O 33 -Whereas, one Sunny Sharma S/o Late. Harbans Lal R/ o Ward No. 02, Bishnah, Jammu filed a Writ petition bearing No **1230/2021** titled Sunny Sharma Vs Union Territory of Jammu and Kashmir and Others before the Hon'ble High Court of Jammu & Kashmir and Ladakh at Jammu seeking directions for payment/clearance of work done liability amounting Rs 3,73,100/- on account of various works alleged to be executed by the petitioner in the said Municipal area; and

Whereas, the department in order to ascertain genuineness of claim of the petitioner constituted an enquiry committee vide order dated 248-DULBJ of 2021 dated 06.07.2021 to conduct an in depth inquiry of the alleged work done/claim raised by the petitioner in the afore titled writ petition, and

Whereas, after a detailed enquiry, the committee submitted its report, and the following pertinent findings were recorded by the committee:-

- i. That the mandatory prescription of obligatory functions in terms of PWD manual have been bypassed in the year 2019 itself as these works have been executed on the verbal instructions of the President, Municipal Committee Bishnah, departmentally without any authority and jurisdiction against which even the payment has also been released. The said work has never been checked by concerned engineering wing which is the competent authority to check the execution of work through proper tendering process.
- ii. The copies of bills/supply orders and muster sheets annexed with the Writ petition against which the alleged work done claim projected by the petitioner are not in records of Municipal Committee Bishnah.
- iii. The work orders of different dates issued by the President Municipal Committee Bishnah are without any authority and jurisdiction and the same have been found without any dispatch number of the Municipal Committee Bishnah and as such cannot be construed as office document issued by the Municipality.
- iv. The date wise bills mentioned herein above against which the petitioner is claiming alleged payment of the goods supplied / material used for construction of lane and drain in question, have been found having cuttings in the dates column of each bill.
- v. Once the question of the said lane and drain in question happened in the year 2019 and even the payment released from time to time in the year 2019 itself against the material supplied and labourers and masons engaged in construction work though executed without any authority and Jurisdiction, there is no occasion to again construct the same in the month of Jan 2020.

**Whereas,** President Municipal Committee, Bishnah was afforded an opportunity to present his case/defense by the Inquiry Officer. The President, Municipal Committee, Bishnah (Sh. Rajan Sharma) appeared before the Inquiry officer on 13.09.2021 and 18.09.2021 and submitted a written statement of defense which was taken on record. The Inquiry Officer has recommended that the President Municipal Committee, Bishnah has acted in a manner which is unbecoming of a public servant and has abused his official powers as the President of the said Municipal Committee and therefore is liable for action under the relevant provision of the Jammu and Kashmir Municipal Act, 2000, and has committed misconduct on the following counts:

- a. The President Municipal Committee, Bishnah cannot in his individual capacity issue any verbal order for execution of a work, unless the same has been technically vetted by the engineering wing and approved by the Municipal Committee.
- b. The President Municipal Committee, Bishnah has no authority to issue any verbal order for execution of any work which would involve using resources of the Committee unless same is processed as per norms by the office of the Municipal Committee.
- c. The President Municipal Committee, Bishnah has no authority to issue any work order without any estimate which would indicate the cost of the work to be executed.
- d. The President Municipal Committee, Bishnah has no jurisdiction/ authority to issue any written or verbal instructions for execution of any development work under any provision of law except in case of emergency involving extensive damage to the property or damage to human life or grave inconvenience to the public. Such powers can be exercised under Section 37 of Jammu and Kashmir Municipal Act, 2000. In his case, no such record note is available in the office record of Municipal Committee Bishnah which would indicate any of the conditions prescribed in the above referred section of Jammu and Kashmir Municipal Act, 2000 having been met. Moreover, any such action taken by the President has to be reported to the Municipality which has not been done in this case

**Now,** in exercise of powers conferred by Section 26 of the Jammu and Kashmir Municipal Act, 2000, the Government hereby removes Shri Rajan Sharma, President, Municipal Committee, Bishnah from his office on the ground of abuse of his powers, with immediate effect.

**By order of the Lieutenant Governor.**

Sd/-  
(Dheeraj Gupta) IAS  
Principal Secretary to the Government,  
Housing & Urban Development Department  
Dated 25.01.2022

HUD-LSG0ULBJ/96/2021-01(C.No. 41617)

Copy to the :

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.

2. Principal Secretary to the Government, General Administration Department.
3. Chief Electoral Officer, J&K, Jammu
4. Secretary to the Government, Department of Law, Justice and Parliamentary Affairs.
5. Divisional Commissioner, Jammu.
6. Deputy Commissioner, Jammu.
7. Director, Urban Local Bodies, Jammu.
8. Special Secretary to Chief Secretary, J&K, Jammu.
9. General Manager, Ranbir Government Press, Jammu for publication in the official Gazette.
10. Private Secretary to Principal Secretary to the Government, Housing and Urban Development Department.
11. Concerned.
12. Executive Officer, Municipal Committee, Bishnah.
13. Incharge Website, Housing and Urban Development Department.
14. Master file/ stock file.

*Handwritten signature and date: 25.01.22*

**(Thannaji Bhat)**  
Under Secretary to the Government