

GOVERNMENT OF PUNJAB
DEPARTMENT OF WATER RESOURCES

ORDER

1.0 Vide order bearing File No. 2979/3NNGE-I/2023,11, dated 4.9.2023, a charge-sheet under Rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 was served upon Sh. Vishal Attri, Junior Engineer, now posted in the office of the Executive Engineer, Kandi Canal Stage-II Division, Hoshiarpur, Department of Water Resources for imposition of major penalty upon him. In the said charge-sheet, the following allegations were levelled against the delinquent employee:-

"During your posting as Junior Engineer in the office Drainage and Mining Division, Gurdaspur, the allegations against you in a complaint by workers Manjit Singh and others, working in Shri Hargobindpur area on sand project, it has been reported that you have asked a bribe of Rs. 50,000/- per month for sand project in lieu for using 2 Tippers and 1 JCB and as per the Recording sent by the Complainant, you have received an amount of Rs. 2,50,000/- (Rs. two lacs and fifty thousands) from persons lifting the earth working in the said project.

By doing so, you have encouraged corruption and remained negligent towards your duty and you have rendered yourself liable to be proceeded against under Rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970".

2.0 Subsequently, in order to ascertain truth into the allegations levelled against the delinquent employee vide order No. I/655045/2023(5), dated 4.10.2023, Sh. Hardeep Singh Mehndiratta, Chief Engineer, Drainage-cum Mining and Geology, Department of Water Resources was appointed as Inquiry Officer. The said Inquiry Officer has submitted her report vide letter No. 518/PA/CE/DRG/2024, dated 27.3.2024. In the said inquiry report, the Inquiry Officer has, *inter-alia*, concluded as under:-

"Nowhere in the conversation between the parties does it come out that the said amount of Rs.2,50,000/- is to be deposited in lieu of royalty. Apart from this, it has been said in the said conversation by

Mr. Satpal Singh that:

"Sir, we have come from highway side alongwith your payment where should I send it? OR should I keep that myself? And the amount was told to be 2,50,000/- by the charged employee, from which it is evident that this amount was not related to royalty and this amount was taken by the charged employee only.

In the complaint, there is mention about the delivery of said amount on 29.6.2023, whereas the charged employee has submitted a slip regarding depositing the said amount of Rs. 2,50,000/- in the bank on 1.7.2023. while the slip of bank deposit dated 01.07.2023 meaning thereby the charged employee had deposited the said amount after the receipt of complainant to save himself from being punished in any manner and he mentioned in his reply that he was busy on 30.06.2023 due to which he could not deposit the amount on that day, which is clearly an excuse by him to save himself.

As per the recorded conversation which took place between the charged employee and Sh. Satpalsingh, Sh. Vishal Attri said to Sh. Satpal:-

"Ok. You collect from him and I will collect within 15-20 minutes from you." In this conversation the charged employee was being seen to be very much keen to collect that amount. In case the said amount would have related to government, then he would not have shown such haste"

It is very much clear from the aforesaid facts, that the charged employee should not have got the said amount of Rs. 2,50,000/- and not the charged employee could prove specifically that the said amount was received by him for K-Permit Thus the allegation against the charged employee of receiving bribe, promoting corruption and remaining negligent towards duty stand proved.

3.0 However, upon perusal of the inquiry report, it has come forth that said inquiry report is based on official records and substantial evidences produced by the concerned officials and witnesses. Upon perusal of the said inquiry report, it has also come forth that during the course of inquiry proceedings, the delinquent employee was given full opportunity of being defended and the Inquiry Officer conducted the said inquiry in accordance with the procedure laid down in Rule 8 and 9 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970. Therefore, there was no reason to deviate from the findings recorded by the Inquiry Officer in its inquiry report. Thus, after having accepted the said findings recorded by the Inquiry Officer, therefore, before taking further action on the said inquiry report, it was decided to afford an opportunity of being heard to him so as to comply with the principles of natural justice. Vide office letter No. I/817368/2024, dated 5.4.2024, a copy of Inquiry Report was also supplied to the delinquent officer for seeking his comments and providing an opportunity of being heard.

4.0 Accordingly, the delinquent official was heard in person patiently on 26.4.2024. During the course of personal hearing, the delinquent officer presented a detailed written reply. In the said reply, the delinquent officer has pleaded that he had obeyed the orders of his superiors and the complainant has been used to make false complaint against him, whereas he had not done any checking in Sh. Hargobindpur and he visited site on the orders of his Executive Engineer. After having collected the said amount by the SDO he sent the same to me and the said SDO has also deposed his statement before the Executive Engineer in which it has been admitted that the said amount relates to Varaha Infra Limited. Therefore, he may be given justice as he had already punished for the said offence because he remained under suspension for the period from 2.7.2023 to 11.12.2023 and he is suffering from mental tension.

5.0 The said pleadings put forth by the delinquent official have been considered. Though, during the course of inquiry proceedings, the delinquent employee also controverted the charges levelled against him and denied the same being wrong on the same pleas. During the course of inquiry proceedings, it has explicitly been proved that the delinquent officer has collected an illegal amount of Rs. 2,50,000/-. Primarily, he had given an

excuse that the said money was collected by him in lieu of K-Permit, which is totally false.


6.0 The delinquent official has also pleaded that he was not authorized to issue receipts of cess being collected from the villagers. It is the office of the sub division which collects cess from the villagers, therefore, all the charges levelled against him are false and wrong. The competent authority is fully satisfied with the findings of the Inquiry Officer to the effect that *"It is very much clear from the aforesaid facts, that the charged employee should not have got the said amount of Rs. 2,50,000/- and not the charged employee could prove specifically that the said amount was received by him for K-Permit Thus the allegation against the charged employee of receiving bribe, promoting corruption and remaining negligent towards duty stand proved"*.

7.0 It is a very strange that neither during the inquiry proceedings nor during the course of personal hearing, the delinquent officer has not mentioned the details of K-Permits such as name of person/party to whom such permits were issued, how much fee was to be collected for such permits as per rates prescribed by the Government, quantity of material of K - Permits. In the absence of such detail, it cannot be held that the amount of Rs.2,50,000/- was actually for K-permits. Thus, the contention of the delinquent officer that the amount of Rs.2,50,000/- was meant for K-permits, is far from the truth, which is neither believable nor acceptable. Thus, the delinquent officer has unsuccessfully attempted to give such statement just to defend himself, which could not have been successful in any way.

8.0 In these circumstances, no other conclusion could have been drawn. It is very much clear that the delinquent officer had been indulging in corrupt means and he had collected an amount of Rs. 2,50,000/- as illegal graft in lieu of granting illegal advantage to those who had been indulging in illegal mining activities. It is an acknowledged factor that the main objective of the Government is to provide hassle free, corruption free and clean administration to the general public. The Government has been emphasizing to Zero Tolerance against the corruption. In case, the charged officer is let

off scot-free without receiving the deserved or expected punishment, the reputation of the government is likely to tarnish among the general public. Apart from it, it will set a wrong precedent for all other officers in the Department when such officers are simply let off without punishment. Moreover, involvement of an officer or employee in corrupt means is a crime against the State and the Society and such an employee or officer does not deserve for any leniency and the same is required to be dealt with sternly.

9.0 It is not plea of the delinquent official that the disciplinary proceedings were initiated against him out of any grudge against him or there was any malafide intention of any official/officer to implicate him falsely. It is noticed one of the Fundamental Duties, as enshrined in Article 51A(j) of the Constitution of India, is that every citizen is to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement. It is well settled proposition of law that the said duty would be more pronounced if a person is holding a public office. In the present matter, it is explicitly clear that the delinquent officer had been indulging himself in corrupt means and he was involved in collecting a huge amount of Rs. 2,50,000/- in lieu of providing patronage to those scrupulous elements who have been engaging themselves in illegal mining activities and thus remained totally remiss to this Fundamental Duty. It is also well settled proposition of law that the punishing authority is the best judge to determine the quantum of punishment which is legally permissible in view of gravity of misconduct being committed by an employee. It is also noted that during the course of disciplinary proceedings, full opportunity of being defended has been provided to the delinquent official. In view of the above, the competent authority is also of the considered view that an employee or officer who indulges himself in corrupt means has committed a grave misconduct and does not deserve for any leniency. The competent authority is also of the considered view that it would not be in public interest to retain such a dishonest person in public service because such an employee may tarnish image of State Government in the eyes of general public.



10.0 Therefore, owing to the reasons recorded above, a penalty of dismissal from service as envisaged in Rule (ix) of the Punjab Civil Services

(Punishment and Appeal) Rules, 1970 is imposed upon Sh. Vishal Attri, Junior Engineer, now posted in the office of the Executive Engineer, Kandi Canal Stage-II Division, Hoshiarpur, Department of Water Resources with immediate effect.

11.0 It is further ordered shall be deemed to have relieved from service after issuance of these orders.

(Krishan Kumar) IAS,
Principal Secretary to Government of
Punjab, Department of Water Resources

Endst. No. 05/2024-273/173.175., Dated, Chandigarh, the 03.05.2024.

A copy of the above is sent to the following for information and necessary action:-

1. Chief Engineer, Head Quarter, Department of Water Resources, Punjab, Chandigarh.
2. Kandi Canal Stage-II Division, Hoshiarpur, Department of Water Resources
3. Sh. Vishal Attri, Junior Engineer, now posted in the office of the Executive Engineer, Kandi Canal Stage-II Division, Hoshiarpur, Department of Water Resources

Principal Secretary Water Resources

ਪਿੱਠ ਅੰਕਣ ਨੰ: I/854408/3 ਨ.ਗ.ਅ.-1,

ਮਿਤੀ: 03/05/2024

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਹੇਠ ਲਿਖਿਆਂ ਨੂੰ ਸੂਚਨਾਂ ਅਤੇ ਅਗੇਲਰੀ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ:

1. ਮੁੱਖ ਇੰਜੀਨੀਅਰ/ਨਹਿਰਾਂ, ਜਲ ਸਰੋਤ ਵਿਭਾਗ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ।
2. ਮੁੱਖ ਇੰਜੀਨੀਅਰ/ਚੈਕਸੀ, ਜਲ ਸਰੋਤ ਵਿਭਾਗ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ।
3. ਨਿਗਰਾਨ ਇੰਜੀਨੀਅਰ/ਹੁਸ਼ਿਆਰਪੁਰ ਨਹਿਰ ਹਲਕਾ, ਜਲ ਸਰੋਤ ਵਿਭਾਗ, ਪੰਜਾਬ, ਹੁਸ਼ਿਆਰਪੁਰ।
4. ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ/ਕੰਢੀ ਨਹਿਰ ਸਟੇਜ-2 ਮੰਡਲ, ਜਲ ਸਰੋਤ ਵਿਭਾਗ, ਹੁਸ਼ਿਆਰਪੁਰ।
5. ਇੰਚਾਰਜ/ਕੰਪਿਊਟਰ ਸੈੱਲ, ਮੁੱਖ ਦਫਤਰ, ਜਲ ਸਰੋਤ ਵਿਭਾਗ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ।
6. ਸਬੰਧਤ ਕਰਮਚਾਰੀ ਮਾਰਫਤ ਦਫਤਰ।

ਸੁਪਰਡੈਂਟ/ਨ.ਗ.ਅ.-1 ਸ਼ਾਖਾ,

ਵਾ. ਮੁੱਖ ਇੰਜੀਨੀਅਰ, ਜਲ ਸਰੋਤ ਵਿਭਾਗ, ਪੰਜਾਬ,
ਚੰਡੀਗੜ੍ਹ।