

Government of Jammu and Kashmir
ARI and Trainings Department
Civil Secretariat, Jammu/Srinagar

Subject:- Appointment of Government Auctioneer.

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Government Order No:- 63 -JK(ARI & Trgs) of 2021
D a t e d:- 23 -12-2021

Whereas, the appointment of Government e-auctioneer was subjudice before the Hon'ble High Court J&K in the case titled M/S A. Khan Trading Co. Versus UT of J&K and Ors ; and

Whereas, the Hon'ble High Court disposed off the said petition vide Order dated 30.10.2021 The operative part of the judgment is reproduced as under:-

"....direction needs to be issued to the official respondent to issue fresh tenders after carefully formulating terms and conditions which are not only clear and unambiguous but also promote healthy and wider competition.... It is so ordered.

Writ petition is disposed of accordingly alongwith connect IAs."

Whereas, the matter was referred to the department of Law, Justice and Parliamentary Affairs, for opinion. The Law Department advised as under:-

"....After re-organization of the State into two Union territories, the General Financial Rules, 2017 have been made applicable to the Union Territory of Jammu and Kashmir. Rule 217 of the said rules provides for disposal of an item which may be declared surplus or obsolete or unserviceable if the same is of no use to any Ministry or Department. It has been provided that the competent authority may, at its discretion, constitute a committee at appropriate level to declare item(s) as surplus or obsolete or unserviceable. Further, Rules 218 provides for modes of disposal, Rule 219 provides for disposal through advertised tender, Rule 220 provides for disposal through auction and Rule 221 provides for disposal at scrapped value or other modes. There is no provision for centralized disposal or for appointment of Government auctioneer for auctioning the Government property. Individual department can auction government property subject to aforesaid provisions.



In view of above, concerned departments may be advised for disposal of surplus or obsolete or unserviceable items as per aforesaid provisions of General Financial Rules, 2017. As it is a financial matter, Finance Department may also be consulted for further clarification of the issue."

Whereas, after reorganization of the State into two Union Territories, the General Financial Rules, 2017 were made applicable to the Union Territory of J&K. accordingly, the matter was referred to the Finance Department for opinion. The Finance Department opined as under:-

"Returned. The case has been examined in the Finance Department and the following is conveyed:

Finance Department has issued circular instruction vide No. FD-Code/171/2021-03-1157 dated 17.11.2021, regarding disposal of Goods declared as surplus, obsolete or unserviceable. As per GFR-2017 Rule 218, surplus or obsolete or unserviceable Goods should be disposed either through advertised tender or public auction. The auction can be undertaken either directly by the department through auction team or through approved auctioneer (Rule 220 of GFR-2017). Until the Government auctioneers are appointed, the departments can dispose off the surplus, obsolete or unserviceable goods through tenders or auction committee".

The General Financial Rules, 2017 are now applicable to the UT of Jammu & Kashmir and a circular in this behalf has been issued vide No. FD-Code/171/2021-03-1157 dated 17.11.2021, by Finance Department (**Annexure "A"**).

Now therefore, sanction is hereby granted to the authorization for disposal of the surplus, obsolete and unserviceable goods, to the line departments to implement the General Financial Rules -2017 as enshrined the instant order directly after following the **codal formalities** applicable in such matters as adopted by Govt of India.

By Order of the Government of Jammu and Kashmir.

Sd/-

(Abdul Majid Bhat)

Secretary to the Government,
ARI and Trainings Department

Dated:- 23/12/2021

No:ARI-EsttoNG/21/2021-01

Copy to the:-

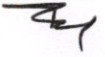
1. Financial Commissioner (Additional Chief Secretary), Finance Department.
2. Financial Commissioner (Additional Chief Secretary), H&ME Department.
3. Director General of Police, J&K.

4. All Principal Secretaries to the Government.
5. Principal Secretary to the Lieutenant Governor.
6. All Commissioner/Secretaries to the Government.
7. Chief Electoral Officer, J&K.
8. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
9. Commissioner/Secretary, General Administration Department, UT of Ladakh.
10. Director General, J&K Institute of Management, Public Administration and Rural Development, Jammu.
11. Chairman, J&K Special Tribunal.
12. All Heads of the Department/Managing Directors.
13. All Deputy Commissioners.
14. Director Information, J&K.
15. Secretary, J&K Public Service Commission.
16. Director, Archives, Archaeology and Museums, J&K.
17. Secretary, J&K Services Selection Board.
18. General Manager, Government Press, Jammu/Srinagar.
19. Private Secretaries to Advisor (F)/(B) to Lieutenant Governor.
20. Private Secretary to the Chief Secretary.
21. Private Secretary to Secretary to the Government, ARI & Trainings Department.
22. In-charge website, ARI & Trainings Department.
23. Government Order file.


(Shabir Ahmad Baba)

Under Secretary to the Government,
ARI and Trainings Department





**GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT (CODES DIVISION)
Civil Secretariat, Jammu/Srinagar**

Subject:- Disposal of Goods which are declared as surplus or obsolete or unserviceable.

Circular

Attention of all Administrative Departments is invited to Rule 217, 218, 219, 220 & 221 of General Financial Rule (GFR)-2017, wherein the detailed procedure for declaration of goods as surplus or obsolete or unserviceable and subsequent disposal through tenders/ auction have been laid down.

1. Rule 217 of GFR-2017, provides as under:-

- (i) An item may be declared surplus or obsolete or unserviceable if the same is of no use to the Ministry or Department. The reasons for declaring the item surplus or obsolete or unserviceable should be recorded by the authority competent to purchase the item.
- (ii) The competent authority may, at his discretion, constitute a committee at appropriate level to declare item(s) as surplus or obsolete or unserviceable.
- (iii) The book value, guiding price and reserved price, which will be required while disposing of the surplus goods, should also be worked out. In case where it is not possible to work out the book value, the original purchase price of the goods in question may be utilised. A report of stores for disposal shall be prepared in Form GFR - 10.
- (iv) In case an item becomes unserviceable due to negligence, fraud or mischief on the part of a Government servant, responsibility for the same should be fixed.

2. Rule 218 of GFR-2017, provides as under :-

- (i). Surplus or obsolete or unserviceable goods of assessed residual value above Rupees Two Lakh should be disposed of by:
 - a) Obtaining bids through advertised tender or
 - b) Public auction.
- (ii). For surplus or obsolete or unserviceable goods with residual value less than Rupees Two Lakh, the mode of disposal will be determined by the competent authority. Further, certain surplus or obsolete or unserviceable goods such as expired medicines, food grain, ammunition etc., which are hazardous or unfit for human consumption, should be disposed of or destroyed immediately and Surplus or obsolete or unserviceable goods, equipment and documents, which involve security concerns (e.g. currency, negotiable instruments, receipt books, stamps, security press etc.) should be disposed of/ destroyed in an appropriate manner to ensure compliance with rules.

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3. **Rule 219 of GFR-2017**, provides broad steps for the disposal of surplus or obsolete or unserviceable goods through the advertised tender and important aspects to be followed while disposing of the goods through advertised tender, which ensures transparency, competition, fairness and elimination of discretion. Wide publicity should be ensured of the sale plan and the goods to be sold.

4. **Rule 220 of GFR-2017, provides as under :-**

- (i). The Department may undertake auction of goods to be disposed of either directly or through approved auctioneers to ensure transparency, competition, fairness and elimination of discretion.
- (ii). The composition of the auction team will be decided by the competent authority. The team should however include an officer of the Internal Finance Wing of the department.

5. **Rule 221 of GFR-2017, provides as under:-**

If the Department is unable to sell any surplus or obsolete or unserviceable item in spite of its attempts through advertised tender or auction, it may dispose of the same at its scrap value with the approval of the competent authority in consultation with Finance division.

All the Administrative departments are advised to follow the GFR-2017 rules as enunciated above, for declaring the goods Surplus or obsolete or unserviceable and their subsequent disposal by the tenders/ public auction.

Sd/-
(Atal Dulloo), IAS,
Financial Commissioner
(Additional Chief Secretary),
Finance Department.

No. FD-Code/171/2021-03-1157


Dated: 17.11.2021

Copy to the:-

1. Advocate General, J&K High Court, Jammu/Srinagar.
2. Principal Accountant General, J&K, Jammu/Srinagar.
3. All Financial Commissioners.
4. Principal Secretary to the Hon'ble Lieutenant Governor
5. All Principal Secretaries to Government.
6. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
7. Principal Resident Commissioner, 5-Prithvi Raj Road, New Delhi.
8. Chief Electoral Officer, J&K.
9. All Commissioner/ Secretaries to Government.
10. Divisional Commissioner, Jammu /Kashmir.
11. Chairperson, J&K Special Tribunal.
12. Principal Secretary to Chief Justice, J&K High Court, Jammu/Srinagar.
13. Registrar General, J&K High Court, Jammu/Srinagar.
14. Director, Anti Corruption Bureau, J&K.
15. Director General, Audit and Inspections.

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16. Director General, Budget Division.
17. Director General, Accounts and Treasuries.
18. Director General, Funds Organization.
19. Director General, Local Fund Audit & Pensions, J&K.
20. Director Information, J&K.
21. All Head of Departments/ Managing Directors/ Chief Executives of State PSU's/ Autonomous Bodies/ Societies.
22. Secretary J&K Public Service Commission.
23. All District Development Commissioners.
24. Secretary, J&K Legislative Assembly.
25. Director/Principal, Northern Zonal Accountancy Training Institute, Jammu.
26. Director, Accounts & Treasuries, Jammu/Kashmir.
27. All Directors of Finance/Financial Advisors & CAOs.
28. Principal, Accountancy Training Institute, Srinagar.
29. Joint Director, J&K Funds Organization, Jammu/Srinagar.
30. General Manager, Government Press, Jammu/Srinagar for publication in Government Gazette.
31. Private Secretary to the Hon'ble Advisors (F)/(B).
32. Private Secretary to the Chief Secretary.
33. Private Secretary to the Financial Commissioner (Additional Chief Secretary), Finance Department.
34. All Treasury Officers.
35. I/C website, Finance Department (www.jakfinance.nic.in).
36. I/C website, GAD (www.jkgad.nic.in).
37. Government Order File (W2scs).


S.L. Pandita
Director General (Codes),
Finance Department.