

अंडमान तथा निकोबार प्रशासन  
मुख्य अभियन्ता का कार्यालय  
अंडमान लोक निर्माण विभाग  
निर्माण भवन पोर्ट ब्लेयर



ANDAMAN AND NICOBAR ADMINISTRATION  
OFFICE OF THE CHIEF ENGINEER  
ANDAMAN PUBLIC WORKS DEPARTMENT  
NIRMAN BHAWAN PORT BLAIR.

Dated the 19 Sept, 2018

ORDER NO: 1223

**Whereas** Shri C. Palaniswamy, Class II (civil) Contractor was enlisted in APWD provisionally in terms of Rule 3.3 of Enlistment Rules of APWD 2009 for a period from 25/05/2010 to 24/05/2013 vide Order No. 651 dated 25/05/2010, and thereafter regularized vide Order No. 87 dated 27/01/2015 with the direction to apply for revalidation within one month from the date of issue of the above order dated 27.01.2015. In terms of Rule -19 of Enlistment Rule of APWD 2009, the criteria of work experience was two works of Rs 50 lakh each.

**Whereas** the Petitioner was able to secure only one work "Strengthening of sea wall wherever necessary on the road from Kargil junction to Ayyanar Temple for a length of 613 mtr" of Rs 1,08,58,720/-. However, actual work was done only for Rs 10,41,735/-.

**Whereas** on 20/03/2015 the contractor submitted a representation to allow him to participate in the tendering process provisionally to secure two works as required for revalidation. Accordingly, on 2nd April 2015, a letter was issued to the contractor for participation in tender process wherein it was stated that "the contractor shall be allowed to participate in tender process for a period of one year from the date of issue of letter with a condition to fulfil the criteria of work experience and to submit the complete proposal for revalidation of enlistment in class II(Civil) in APWD within one year period". In case the contractor becomes the lowest tenderer, the work shall be awarded only with the approval of Chief Engineer, APWD".

**Whereas** on 07/03/2016, a letter was received from Executive Engineer, CD, APWD Diglipur stating that Shri C. Palaniswamy, Contractor has become the lowest tenderer for the work "Improvement of ATR from Chainage 247.00 to 250.00 km including widening and strengthening" with the tendered amount of Rs 1,50,51,609/-, hence necessary approval may be accorded to award the work. The request was however not accepted due to lack of work experience and directed that no work may be awarded to the Contractor as the Contractor failed to secure the required work experience during the enlistment period.

**Whereas** the Contractor submitted a representation on 22/04/2016 and approached Hon'ble High Court vide W.P.No.7675 (W) of 2016 (Shri C.Palaniswamy -vs- The Union of India and others). The Hon'ble High Court has directed the respondent authority to consider the petitioner's representation dated 22/04/2016 upon granting an opportunity of hearing to him and dispose of the same by a reasoned order within a fortnight from the date of receipt of the order. Accordingly, personal hearing was held on 08/06/2016 and a speaking order was issued vide No.993 dt 09.08.2016.

**Whereas** being aggrieved the contractor again filed a case WP vide No. 319 of 2016 wherein Hon'ble High Court passed an order dated 21.06.2018 directing to dispose of the application dated 31.03.2016 within 30 days from the date of communication of the order after giving opportunity of hearing to the petitioner.

**Whereas** in compliance to the Hon'ble High Court of Calcutta order dated 21.06.2018 passed in WP No.319 of 2016, a personal hearing was listed on 10.07.2018 but the petitioner could not attend the hearing and requested to schedule the date in the last week of July, 2018. Accordingly, the hearing was scheduled on 31.07.2018 and on the behalf of the petitioner, his power of attorney holder came for the hearing but he did not bring the documents of Power of Attorney hence the hearing was held on 01.08.2018. In this instant case revalidation could not be considered in terms of Enlistment Rule of contractor in APWD 2009 as the contractor could not fulfil the criteria of work experience.

**Now therefore**, in view of the aforesaid facts, the prayer of applicant for revalidation cannot be acceded to in terms of Enlistment Rules of Contractors in APWD, 2009. This order is issued in compliance to the order dated 21.06.2018 passed in WP No.319 of 2016 by the Hon'ble High Court of Calcutta.


This order is issued with the approval of the Hon'ble Lt.Governor being the Enlistment Authority.

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Finance Officer to Chief Engineer,  
(F.No.63(10)(1)/2015-16/CE/APWD/FIN/)

OFFICE ORDER BOOK

**Copy to:**

1. Shri C Palaniswamy, R/o Hut Bay, Little Andaman by post.
2. All the Superintending Engineers under APWD, Port Blair.
3. The Superintending Engineer, Electricity Department, Port Blair.
4. The Superintending Engineer, Zilla Parishad, Port Blair.
5. The Superintending Engineer, PBMC, Port Blair.
6. The Chief Engineer, Project Yatrict c/o 99 APO.
7. The Chief Engineer, MES, Port Blair.
8. The Chief Engineer and Administrator, ALHW, Port Blair.
9. The Assistant Commissioner of Income Tax, A & N Islands, Port Blair.
10. The Asst. P.F Commissioner/OIC, Sub-regional Office, Labour Comm's Building, Supply Line, Port Blair.
11. All the Executive Engineers under divisions of APWD.
12. AE, ISSD, APWD Kolkata.
13. The Executive Engineer, E&M (Plg), O/o CE, APWD with the request to upload the order in APWD website.
14. The Deputy Secretary (PW), A & N Administration, Port Blair.

  
19/9/19  
Finance Officer to Chief Engineer,  
APWD, Port Blair  
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