

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

Dated 01<sup>st</sup> March, 2023

OFFICE ORDER No. 1371

**Whereas**, WPA No.95 of 2023 (Shri Sanjay Kumar Singh-Versus-Lt. Governor & Ors) was heard by the Hon'ble High Court, Kolkata Bench and passed an order dated 24.01.2023 wherein directed the respondent No.4 to re-examine the decision of Enlistment Authority communicated vide Office Order No.1040 dated 15.12.2022 suspending business with the petitioner (contractor) for a period of 2 years from the date of issuance of the aforementioned office order.

**And Whereas**, the Hon'ble High Court at Kolkata Circuit bench at Port Blair vide Order dated 24.01.2023 had made the following directions:

*"Having heard the learned Advocates representing the parties and on perusal the impugned decision of the Enlistment Authority as contained in office order dated 15.12.2022 finds it apt to grant an opportunity to the petitioner to make deliberation before the Chief Engineer, APWD being respondent No.4 prior to considering the issue involved in this writ petition.*

*Accordingly, this Court grants leave to the petitioner to make a comprehensive representation to the respondent No.4 within a period of seven days from date and on receipt of such representation the respondent No.4 shall pass reasoned order after granting opportunity of hearing to the petitioner or his representative within fortnight thereafter.*

*The decision to be taken by the respondent No.4 shall be communicated to the petitioner within a period of one week thereafter".*

**And Whereas**, Shri Sanjay Kumar Singh, Govt contractor is enlisted as Class- II Govt. Contractor (civil) vide Order No.207 dated 27.02.2017 and was awarded the structural work to erect road signage boards against agreement No. 37 of 2005-06 with the name of work "Providing signage system as per IRC-67 at various locations in South Andaman. SW: Structural work" with stipulated date of commencement as 23/01/2006 and stipulated date of completion as 22/03/2006.

**And Whereas**, a grievance was uploaded in HLG Help Desk Grievance No. 7114 dated 05.11.2018 against the work "Providing Road Signage Boards (including structural work) in South Andaman" which was awarded by SAD, APWD to Shri Sanjay Kumar Singh, Govt. contractor without obtaining Administrative Approval and expenditure Sanction. The HLG Grievances was forwarded to the ACU, Port Blair.

**And Whereas**, an enquiry had been conducted by the Anti-Corruption Unit, A&N Administration in this instant matter wherein it is mentioned to initiate action against the contractor as per relevant rules. It has been concluded in the enquiry report that the Govt. Contractors works didn't perform their duties as per the provisions contained in CPWD Manual, GFRs and as per the terms of agreement 37 of 2005-06.

**And Whereas**, in the enquiry report it was mentioned that the work was started with foundation work at opposite to NCC Office, Goalghar & Dairy Farm Junction. During earth excavation at Dairy Farm junction, the pipeline, electric & telephone cable got damaged. On receiving complaints from general public regarding damage to essential services, PBMC stayed the construction work at Goalghar, Port Blair. That in the stay order issued by Port Blair Municipal Council, it was mentioned that "Construction for erecting sign Board by blocking the road side drain opposite Municipal Sanitary Site Office, Goalghar, Port Blair is in violation to A&N Islands, Municipal Regulation, 1994 and the said construction shall be stayed until further order.



**And Whereas,** in the report of ACU it is mentioned that the particular construction work for erecting road signage boards at Goalghar was stayed by PBMC but the work of erecting road signage board at other places and even outside the municipal limit within South Andaman was unwarrantedly suspended by the contractor. Moreover the contractor also failed to complete the work within stipulated time mentioned in the agreement. As a result the materials procured for the work is rusting on site.

**And Whereas,** after examining the merit of the case and on the recommendation of the Enlistment Board for Class-II contractors in APWD, and in accordance to Rule 23.4 of Enlistment (Amendment) Rules of Contractors in APWD-2018, the Enlistment Authority has suspended the business with the contractor for a period of two years from the date of issue of order vide No.1040 dated 15.12.2022.

**And Whereas,** being aggrieved by the aforesaid order the petitioner had filed a writ petition in the High Court at Calcutta Constitutional Writ Jurisdiction Circuit Bench at Port Blair vide WPA No.95 of 2023 and the verdict issued by the Hon'ble High Court vide above referred order directed the Respondent No.4 to hear and dispose of the petition.

**And Whereas,** the applicant, Shri. Sanjay Kumar Singh, Contractor has furnished his representation on 30.01.2023 and requested to consider his reply to the Show Cause Notice and the proceeding may be dropped.

**And Whereas,** in compliance to Hon'ble High Court verdict dated 24.01.2023 the personal hearing has been fixed on 09.02.2023 at 04.00 PM. In the meantime, the petitioner has submitted an another representation dated 07.02.2023 to postpone his hearing due to visit of Chief Secretary to Campbell Bay w.e.f. 09.02.2023 to 11.02.2023 and requested to grant of another date of hearing on or after 14.02.2023. Accordingly, considering his request this office has rescheduled the hearing on 15.02.2023 at 04.00 PM in the chamber of CE, APWD (Respondent No.4).

**And Whereas,** on the same day i.e 15.02.2023 the applicant has submitted another application wherein requested to furnish the documents of recommendation of Enlistment Board of Class-II (Contractors) in APWD related to suspension for a period of two years.

**And Whereas,** based on the representation and personal hearing held on 15.02.2023, a minutes of meeting and the requisite documents has been provided to the applicant vide L.No.8519 dated 16.02.2023 with the direction to file response on or before 04.00 PM of 17.02.2023.

**And Whereas,** in response to the above said letter the applicant has submitted another representation dated 17.02.2023 wherein stated that action against other Contractors and Governments official as proposed by Anti Corruption Unit are not taken against any of them except the applicant.

**And Whereas,** this office had already initiated action against the other Contractors and Government Officials involved in the case which are under process. Further, the outcome of actions against Govt. Officers and other contractors no way affects the irregularities committed by the agency (Shri. Sanjay Kumar Singh) while executing the above said works.

**Now therefore,** In view of all the documents furnished by the petitioner and the personal hearing held, the matter has been examined with the relevant Enlistment Rules of Contractors in APWD- 2017 and it is opine by the undersigned (Respondent No.4) that the decision to suspend the business with the petitioner for a period of 02 years as contained in the office order No.1040 dated 15.12.2022 by the Enlistment Authority is based up on the testimonials of Anti Corruption Unit and with the recommendation of Enlistment Board and approval of the Enlistment Authority which still stands veracious.



This order is issued in compliance to Hon'ble High Court of Calcutta order dated 24.01.2023 passed in WPA No.95/2023.

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**Chief Engineer**

APWD, Port Blair

(C-18/1/2023-Section FO to CE-APWD-APWD\_AN)

**OFFICE ORDER BOOK**

1. Shri Sanjay Kumar Singh, Govt. Contractor, Babu Lane, Campbell Bay, Great Nicobar. Ph.9434288031/9434294444/03193-264087 by registered post.
2. The Director (RD), Panchayat & PRIs, A&N Administration, P/Blair for information.
3. All the Superintending Engineers under APWD, Port Blair
4. The Superintending Engineer, Electricity Department, Port Blair
5. The Superintending Engineer, Zilla Parishad, Port Blair
6. The Superintending Engineer, N&M Andaman, Mayabunder
7. The Superintending Engineer, PBMC, Port Blair
8. The Chief Engineer, MES, Port Blair
9. The Chief Engineer and Administrator, ALHW, Port Blair
- 10 The Executive Director, NHIDCL, A&N Islands
- 11 The Assistant Commissioner of Income Tax, A&N Islands, Port Blair
- 12 The Asst. P.F. Commissioner/OIC, Sub-Regional Office, Labour Commissioner building, Supply Line, Port Blair.
- 13 All the Executive Engineers under APWD.
- 14 The Assistant Engineer, ISSD, APWD, Kolkata
- 15 The Deputy Secretary (PW), A&N Administration, Port Blair
- ✓ 16 The Executive Engineer, E&M (Plg), O/o CE, APWD, with the request to upload the order in APWD website.
- 17 The Labour Commissioner, A&N Administration, Port Blair
- 18 The Assistant Commissioner, EPF, A&N Administration, Port Blair
- 19 F. No. 63(10)/2011-12/CE/APWD/FIN/

Chief Engineer  
APWD, Port Blair

01/3/23