

**Central Administrative Tribunal
Principal Bench**

**RA No.205/2016
In
OA No.3470/2015**

New Delhi, this the 5th day of May, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Jagdeep Singh,
Aged 51 years,
Group 'A',
Executive Engineer (Civil),
S/o Shri Ram Kishan,
R/o E-79, Second Floor,
East of Kailash,
New Delhi-110065.

...Applicant

(By Advocate : Shri Ashish Nischal)

Versus

Union of India,
Through its Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi-110011.

...Respondent

(By Advocate : Shri Ashok Kumar)

ORDER (ORAL)

Mr. Justice Permod Kohli, Chairman :-

This RA is directed against the order dated 19.08.2016 passed by this Tribunal in OA No. 3470/2015 on two grounds :

(i) There are typographical errors in the order as regards the reproduction of some of the paragraphs of the charge sheet;

(ii) In Article-1 of the charge framed against the applicant, reference is made to the tendering process. It is stated that in fact the reference should have been made to the re-tendering process as the allegations against the applicant relate to a re-tendering of the contract.

2. We have heard the learned counsel for the parties.

3. Insofar as the first ground is concerned, we have carefully examined the judgment under review. In para 7 of the judgment, details of Article-I, after the tabular form, have been wrongly reproduced. The same shall be substituted with the following paragraphs :-

“(i) As per provisions of para 16.7 of CPWD Works Manual 2003, time limit between the date of call for tenders and the date of opening of the tenders should be 10 days for works costing upto Rs. 10 lakhs. In contravention to the above provisions, the said Shri Jagdeep Singh, Executive Engineer allowed six days only.

(ii) As per provision of para 17.14 of CPWD Works Manual 2003, receipt of applications for issue of tenders should be stopped four days before the date fixed for opening of tenders and their sale is to be stopped three days before the date fixed for opening of tenders. In contravention to the above provisions, last date of receipt of the application,

sale of tenders, their receipt and opening were all scheduled by the said Shri Jagdeep Singh, Executive Engineer on the same date.

(iii) As per provision of para 16.1.2 of CPWD Works Manual 2003, a brief advertisement inviting tenders should be inserted in the press in the classified category for the works estimated to cost more than Rs.2.00 lakhs. In violation to the above provision, publicity through press was not resorted to by the said Shri Jagdeep Singh, Executive Engineer.

4. In clause (c) of para 8 of the judgment also, reference is made to para 16.12 of CPWD Works Manual 2003. There also seems to be a typographical error, and thus, the said paragraph shall be substituted with the following paragraph :

“(c) The applicant has also violated para 16.1.2 of CPWD Works Manual, 2003, which, *inter alia*, requires publishing of the advertisement in press in respect to works estimated cost more than Rs.2 lakhs.”

5. As regards the second ground for seeking the review is concerned, from perusal of the charge sheet, enquiry report and the findings of the disciplinary authority, we find that all along reference is made to tendering process and not to the re-tendering process. The order under review accordingly confirms the reference to the tendering process in consonance with the references made in the charge sheet, enquiry report and findings of

disciplinary authority. We do not find that this is a valid ground for review. There is no error apparent on the face of record. This RA is accordingly partly allowed to the extent of typographical corrections, as allowed hereinabove. The review, as regards the second ground, is dismissed.

(K.N. Shrivastava)
Member (A)

'rk'

(Justice Permod Kohli)
Chairman