

Prem Kumar Vs. State of Jharkhand and ors.

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Court : Jharkhand

Decided On : May-20-2005

Reported in : IV(2005)BC285; [2005(3)JCR314(Jhr)]

Judge : M.Y. Eqbal, J.

Appeal No. : W.P. (C) No. 1944 of 2005

Appellant : Prem Kumar

Respondent : State of Jharkhand and ors.

Advocate for Def. : R.N. Sahay, Sr. SC-II,; Rajeev Ranjan and; Manoj Tandon

Advocate for Pet/Ap. : Ritu Kumar and; P.K. Deomani, Advs.

Disposition : Petition dismissed

Judgement :

ORDER

M.Y. Eqbal, J.

1. The petitioner has challenged the order dated 30.3.2005 issued by the Chief Engineer, Rural Engineering Organisation Chhotanagpur Santhal Paragana, Govt. of Jharkhand, Ranchi, whereby the work in question has been allotted to respondent No. 7.

2. The respondent No. 6-Executive Engineer, Rural Engineering Organisation Works Division, Seraikella-Kharsawan issued NIT for construction of various roads under R.E.O., Seraikella. The petitioner along with others including respondent No. 7 submitted their tenders. The value of the work was Rs. 1,84,55,000/-. The petitioner's case is that one of the terms of the NIT was that the contractors must have road making machinery and five-year experience related to File foundation, Wall foundation and open foundation. It is contended that although the Executive Engineer and the Superintending Engineer recommended the name of the petitioner for allotment of work; but the Chief Engineer without approval of the Committee, allotted the work to respondent No. 7 who has no experience as stipulated in the tender notice.

3. The stand of the respondent Nos. 1 to 6 is that the Government of Jharkhand by resolution as contained in Memo No. 1717 (S) dated 2.6.2004 has conferred power upon the Chief Engineer to allot the work up to Rs. 2.5 crores. The said resolution of the Government has been brought on record. It is further stated in the counter affidavit that the petitioner has already been allotted different works in the Department for the financial year 2004-05 on the ground of their being local. On scrutiny it was found that respondent No. 7 being the only local tenderer was found fit in all respects strictly as per the terms of the NIT and as per the guidelines of the Government.

4. Mrs. Ritu Kumar, learned counsel for the petitioner, firstly submitted that the resolution referred in the counter affidavit has never been notified in any notification and as per earlier resolution, the tender committee is competent to allot the work if the value of the work is more than one crore. The learned counsel further submitted that the action of the Chief Engineer is mala fide.

5. I do not find any force in the submission of the learned counsel. It is has not been disputed by the petitioner that for the same financial year, the petitioner has already been allotted work being the local and at that time, the petitioner did not raise any objection with regard to authority of the Chief Engineer in making allotment of work. It has also not been disputed that respondent No. 7, although a local contractor, was not allotted any work for the financial year 2004-05.

Moreover, the respondent No. 7 was found fit in all respect and fulfilled all the terms and conditions of NIT. In that view of the matter, I am of the opinion that no illegality has been committed by the Chief Engineer in making allotment of work to respondent No. 7.

6. For the aforesaid reasons, I do not find any merit in this writ petition which is accordingly, dismissed.

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