

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT
DIRECTORATE GENERAL OF WORKS

NIRMAN BHAVAN, N.Delhi-110001

Ms.DG(W)/Con./76

Dated the

SUBJECT : Watch on progress in Arbitration/Court cases.

16 MAR 1995

It has come to notice that in case relating to an arbitration award, which the Department had decided to contest in the Court, the Executive Engineer did not keep track of the progress of the case in the court and did not file the objections in time. On the date of the judgement, the contractor was present in the court but the Department was entirely unrepresented.

Ministry of L & W, to whom this case was referred, have quoted the observations made by the Supreme Court in a recent judgement which are as follows :

"Putting the entire blame upon the advocate and trying to make it out as if they were totally unaware of the nature or significance of the proceedings is a theory which cannot be accepted".

Superintending Engineers and Executive Engineers have to ensure that the interest of the Department is safeguarded in Litigation matters in courts. Merely handing over the papers to the advocates is not sufficient. For this purpose they have also to keep a watch on the progress of court cases and maintain a close liaison with the advocates so that the cases are not lost by default.

All Superintending Engineers and Executive Engineers should be advised suitably.

This issue from File No.1/1/94.

S. Satakopan

(S.SATAKOPAN)

FINANCIAL OFFICER TO DG(W)

To

1. All CEs in CPWD & PWD (DA)
2. All SEs/EEs/SSWs/Project Manager/Director of Horticulture, Dy. Director of Hort., in CPWD & PWD (DA).
3. Chief Controller of Accounts, Ministry of Urban Development.
4. M/o U.D.(W3 Section), New Delhi.
5. Incharge, Security Section, CPWD Section, CPWD, New Delhi.
6. Er-in-Chief, Army HQ Kashmir House, New Delhi.
7. Chief Engineer, NDME, Palika Kendra, New Delhi.
8. Municipal Engineer, MCD, Town Hall, Delhi-6.
9. CE(Irrigation and flood), Delhi Admn. Delhi.
10. University Engineer, University of Delhi, Delhi-7.
11. CE(Civil)Construction Wing, AIR, Jam Nagar House, New Delhi.
12. FO to DDG(BW)Deptt. of Telecom, 6th floor, Sanchar Bhavan.
13. SE-in-charge, AIIMS, Ansari Nagar, New Delhi.
14. Engineer Member, DDA Vikas Minar, New Delhi.
15. Income Tax Officer, Contractors Circle, Vikas Bhavan, ITO
16. F.O. to DG(W)CPWD New Delhi.
17. DW(S&P)P&WA and PM CPWD, Nirman Bhavan, New Delhi.
18. Section Officer, W-I & W II Section, CPWD Nirman Bhavan,
19. Counsel, CPWD, Nirman Bhavan, New Delhi.