

THE HIGH COURT OF DELHI AT NEW DELHI

%

Judgment delivered on: 10.04.2015

+ **W.P.(C) 3437/2015**

M/S SARASWATI OFFEST PRINTERS PVT. LTD. ... Petitioner

versus

UNION OF INDIA & ANR.

... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr B.P. Singh and Mr Abhishek Singh

For the Respondents : Mr Abhay Prakash Sahay and Mr Amit Kishore Sinha

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

BADAR DURREZ AHMED, J (ORAL)

CM No. 6146/2015

The exemption is allowed subject to all just exceptions.

W.P.(C) 3437/2015 and CM No. 6145/2015

1. This petition is, *inter-alia*, directed against the letter dated 10.03.2015 issued by the Directorate of General of Employment and Training, Ministry of Labour and Employment, Government of India

whereby only three parties have been shortlisted pursuant to an invitation for Expression of Interest issued on 12.09.2014 for providing services of Printing, Packing and Dispatch of secret documents for DGE&T under the Ministry of Labour and Employment, Government of India. The petitioner does not find its name in the list of the three short listed firms. When the petitioner issued a notice dated 14.03.2015 to the Directorate General of Employment and Training, the latter responded by a communication dated 19.03.2015 to the following effect:-

“Government of India
DGE&T-18021/4/2014-TTC
Ministry of Labour & Employment
Directorate General of Employment & Training

Sharam Shakti Bhawan, Rafi Marg,
New Delhi, dated the 19th March, 2015

To,

M/s Saraswati Offset Printers Pvt. Ltd,
Saraswati House,
A-5 Naraina Industrial Area,
Phase –II, New Delhi – 110028

Subject:- Expression of Interest dated 30.09.2014 for
Tender of Providing Services of Printing, Packing & Dispatch
of Secret Documents for DGE&T on behalf of Saraswati
Offset Printers Pvt. Ltd.

Sir,

This is in reference to the notice dated 14th March 2015 by Sh. Abhishek Singh, Advocate on your behalf in respect of above cited subject. In this connection, it is informed that your firm is not meeting the criteria of past experience of similar nature relating to printing, packing and dispatch of question papers. Also, your firm has no experience in printing, packing and dispatch of question papers in your premises and hence has been treated as disqualified.

Yours Faithfully

Sd/xxxxxx

(Sunil Kumar Gupta)

Director of Training (TTC)”

2. The learned counsel for the petitioner submitted that the petitioner is a recognized ‘A’ Class Offset Printer and is empanelled by the Directorate of Printing, New Delhi, Government of India. He has drawn our attention to the list of empanelled private printers / binders of the Directorate of Printing, New Delhi, Government of India, a copy of which is annexure P-8 at page 51 of the paper book. Serial No. 16 has reference to the petitioner and, therefore, it is clear that the petitioner is an ‘A’ Class Offset Printer empanelled with the Directorate of Printing.

3. The learned counsel for the respondent appearing on advance notice drew our attention to the pre-qualification criteria which were

specified in the invitation for Expression of Interest which was issued on 12.09.2014. Serial No. 4 of the pre-qualification criteria reads as under:-

“Sl. No.	Pre-qualification criteria	Supporting compliance document	Reference
1.	XXXXXXXX		
2.	XXXXXXXX		
3.	XXXXXXXX		
4.	The firm shall have past experience during last 3 years from March, 2014 in executing the similar type of assignments related to Printing, Packing and Dispatch of secret documents services in Central Government/State Governments/PSUs/Government bodies/Autonomous Bodies/Private Sector in India	Copy of work order from the department is to be enclosed	
5.	XXXXXXXX		
6.	XXXXXXXX		
7.	XXXXXXXX”		

He submitted that the requirement of experience is that the firms should have had past experience in the last three years in executing similar type of assignments related to Printing, Packing and Dispatch of secret documents in Central Government / State Government / PSUs / Government Bodies / Autonomous Bodies / Private Sector in India. The experience certificate given by the petitioner is placed at annexure P-3 and is dated 25.07.2014. The same indicates that the petitioner has done the work of binding, packing and dispatch of confidential documents. The learned counsel for the respondent submitted that this experience was only in respect of binding, packing and dispatch of confidential documents and did not include printing of secret documents, which was also a requirement under the invitation for Expression of Interest.

4. To this, the learned counsel for the petitioner replied that the printing experience was evident from the fact that it was a class 'A' empanelled printer with the Directorate of Printing, Government of India as pointed out above.

5. After hearing the learned counsel for the parties, we are of the view that although the petitioner has experience in printing, the requirement was for printing of "secret documents". No such experience has been

indicated by the petitioner. It does have the experience of binding, packing and dispatch of secret documents but lacks the experience of printing secret documents. Serial No. 4 of the pre-qualification criteria which we have extracted above clearly stipulates that the experience has not only to be for binding, packing and dispatch of printing documents but also of printing of secret documents. Admittedly, the petitioner does not have experience of printing secret documents.

6. As such we do not find fault with the action on the part of the respondents in not short listing the petitioner in view of the fact that it does not fulfil the pre-qualification criteria stipulated in Serial No. 4 referred to above.

7. The writ petitioner is, therefore, dismissed. There shall be no order as to costs.

BADAR DURREZ AHMED, J

APRIL 10, 2015
SU

SANJEEV SACHDEVA, J