

Ct. 05
Item No.05
13.02.2023
(Suvendu)

WPA 2394 of 2023

**Ramkesh Sukal Jaiswar
Vs.
Union of India & Ors.**

Mr. Abhishek Sikdar
Ms. S. Dey
.....for the petitioner

Ms. Susmita Saha Dutta
.....for the respondents

The affidavit of service is taken on record.

The documents on record show that despite the respondents' clearing the earlier laches and non-compliances of the petitioner by a subsequent document, the petitioner has been kept out of all future tenders by a remark made by the respondents on 14th January, 2023. The petitioner was awarded a tender for outsourcing of conservancy and house keeping services for MES offices and other related work in September, 2021.

The petitioner was issued a letter on 18th October, 2022 relating to alleged non-payment to conservancy staff for a considerable length of time. This was however reversed by a letter dated 17th November, 2022 from the respondents which records that the petitioner has successfully

completed the work. A further letter of 28th December, 2022 specifically states that the petitioner has cleared all the staff payments. This letter further states that the petitioner shall not be banned from issue of any new tender.

Learned counsel appearing for the respondents submits that the impugned remark of the petitioner's non-compliance with the contract conditions is a part of the procedure which requires all such remarks to be uploaded. Counsel submits that these remarks are reviewed every three months and that the next date of review will be in April, 2023.

Considering that the respondents themselves have sent several letters to the petitioner recording that the petitioner's earlier non-compliances were rectified, the respondents cannot be permitted to deprive the petitioner of future tenders till the remark is reviewed.

WPA 2394 of 2023 is accordingly disposed of with a direction on the respondent no. 2 being the Headquarters, Fort William Eastern Command Engineers Branch to take steps for reviewing the remark in consonance with the letters issued by the respondents in November and December, 2022 within 3rd March, 2023. The result of the review

shall be made known to the petitioner by 10th March, 2023.

Urgent photostat certified copy of this order, if applied for be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)