
(2000) 08 DEL CK 0037
In the Delhi High Court
Case No : CW. No. 3101/99

M/s. Nav Bharat Nirman Co. APPELLANT
Vs
Director General of Works and Others RESPONDENT

Date of Decision : 21-08-2000

Acts Referred:

Citation : (2001) 1 ARBLR 48

Hon'ble Judges : Manmohan Sarin, J

Bench : Single Bench

Advocate : Mr. C.S. Rathour, for the Appellant; Mr. Jayant Bhushan, for the Respondent

Judgement

Manmohan Sarin, J.—Rule.

With the consent of the parties, the writ petition is taken up for hearing, since a short question is involved.

2. Learned counsel for the petitioner at the outset submits that the confines his prayer in the writ petition to prayer No.1 Prayer No.1 in the writ petition is in the following terms:

"That an appropriate writ, order or direction in the nature of Mandamus thereby directing and commanding the respondents to restore the registration of the petitioner company in Class III (B&R) Contractors with the CPWD w.e.f. 11.6.1989 in consonance of their own letter/memo no.C/14-2309-III (B&R) dated 16.6.1986 and issue necessary notification in the matter."

3. Petitioner was duly registered as a Class III contractor with the respondents w.e.f. 5.9.1975. The respondent demoted the petitioner to Class IV w.e.f. 21.7.1977. The matter did not rest there. Vide another memorandum bearing No. DGW/CCN/D/94 dated 14.4.1986, petitioner was debarred from issuance of any tenders, Petitioner represented against the aforesaid order. A show cause notice dated 1.4.1986 had also been issued to him. The respondents did not find

the reply of the petitioner convincing and stated that the lifting of the bar, would be considered after expiry of three years from 1986. In the event, respondents restored the petitioner's enlistment to class IV in July, 1990.

4. Learned counsel for respondent contends that the bar imposed vide/memo No. DGW/CCN/D/94 dated 14.4.1986 has been lifted. However, it is urged that petitioner is not entitled to undo the demotion to Class IV effected in 1977. There is merit in the contention of the learned counsel for the respondent that the petitioner, having been demoted as far back as in July, 1977 to Class IV today petitioner's case against demotion to Class IV cannot be reagitated.

5. It also transpires that the petitioner's enlistment has not been revalidated. Learned counsel for the respondent submits that even the registration of the petitioner as Class IV contractor has elapsed on account of his failure to get the revalidation. Learned counsel for the petitioner submits that as a result of the office order dated 16.8.1999, the rules requiring revalidation have been kept in abeyance. Accordingly, the petitioner's enlistment for Class IV would continue, if the rules requiring revalidation have been kept in abeyance.

In these facts, no case is made out in the exercise of writ jurisdiction to direct reconsideration or restoration of the petitioner's enlistment in Class III, when the petitioner was demoted to class IV as far back as on 25.7.1977. It would be open for the petitioner to represent to the respondents, if he satisfies the criteria of having executed the works with CPWD or other agencies, which would render him eligible to be enlisted as Class III contractor.

The writ petition has no merit and is dismissed with the above observations.