

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

HIGH COURT MATTER

No. PW-LC-CWP 8891/2014- 10964/11663

Dated:- 27/2/15

From:-

Engineer-in Chief
H.P.PWD, Shimla-2

To

1. All Superintending Engineers, HPPWD,
2. All Executive Engineers, HPPWD.
3. Ld. Dy. Distt. Attorneys, HPPWD, Dharamshala, Mandi and Hamirpur.
4. Ld. Dy. Distt. Attorneys, Labour Court at Judicial Court Complex Chakkar, Shimla and O/o Distt. Attorney, Dharamshala, H.P.

Subject: - Judgement dated 10.12.2014 passed by Division Bench of Hon'ble High Court of HP in CWP No. 8891/2014 titled as Lekh Ram Vs State of HP.

Sir,

In the subject cited matter, I am to enclose herewith a copy of judgment dated 10.12.2014 passed by Division Bench of Hon'ble High Court of HP in CWP No. 8891/2014. Perusal of said judgement reveals that petitioner was a daily waged beldar in the year 1994 and filed writ petition before the Hon'ble High Court with prayers that the impugned order dated 10.06.2014 passed by Ld. Labour Commissioner be quashed and set aside and refer the dispute to Ld. Labour Tribunal for adjudication. Now the Division Bench of Hon'ble Court has dismissed this writ petition on the ground of inordinate delay. The judgment is reproduced as under:-

"Petitioner was engaged as Beldar on daily wage basis in the HP PW Department, Sub Division Dhalli in the month of February 1994. He was retrenched on 25.11.1994. Petitioner raised a demand notice on 8.1.2013. Reply was filed by the employer vide annexure P-2. Labour Officer-cum-Conciliation Officer vide report dated 15.1.2014 submitted that the dispute could not be settled during conciliation proceedings. Thereafter, impugned order dated 10.6.2014 was passed by the Deputy Labour Commissioner, declining to refer the matter to the Labour Court-cum-Industrial Tribunal. Petitioner raised industrial dispute after more than 18 years. There is inordinate delay in raising industrial dispute. Matter has become stale. Industrial dispute is to be raised within a reasonable period after accrual of cause of action.

2. Accordingly, there is no illegality or arbitrariness in order dated 10.06.2014. the present petition is dismissed. Pending applications, if any, are also disposed of."

You are, therefore requested that this being a strategic pronouncement of Division Bench of Hon'ble High Court on the issue of raking up of stale re-engagement claim which is barred on delay and laches as such in future any workman if raises such dispute after abnormal delay this judgement be relied in the reply of department for opposing such belated claims.

This is for information and necessary action please.

Encls: judgment dt. 10-12-2014

Distt. Attorney,
HPPWD, Shimla-2

Copy forwarded for favour of information:-

- (1) The Additional Chief Secretary (PW) to the Government of HP with a request that Labour Commissioner may be requested to apprise all the Labour reconciliation officers be supplying copy of this judgment for deciding belated claims of workmen as per this verdict of Division Bench of Hon'ble High Court of HP.

- (2) Incharge I.T. Cell with a request to bring it on department website.

- (3) Copy to guard file.

Encls: judgment dt. 10-12-2014

Distt. Attorney,
HPPWD, Shimla-2

FR
HCL (P)
BY
28/2/2015
4/3/15
sh. J. J.
JE (JT)

FOR GENERAL USE

Section Officer (Judicial)
High Court of Himachal Pradesh
24/11/15

Copy of Order/Judgement/Statement/Passed/Delivered/Recorded
on 10/12/14 by the Division Bench consisting of
Hon'ble Mr. Justice Rajiv Sharma, Judge
Hon'ble Mr. Justice Sureshwar Thakur, Judge
In CWP 8891/14 Titled as :-

Sh.Lekh Ram S/o Devi Singh, R/O Village Jawda,
P.O.Palag,Tehsil Arki,Distt. Solan.H.P.

..... Petitioner.

Versus.

1. State of H.P. Through its Secretary (PW) to the Government of H.P. Shimla.
2. Executive Engineer, HPPWD, Division, Theog. Distt. Shimla. H.P.
3. Labour Commissioner, State of Himachal Pradesh Shimla. 171002

..... Respondents.

COPY OF ORDER/JUDGMENT(S) RECORDED/ISSUES.
IN THE HIGH COURT OF HIMACHAL PRADESH.

ATTESTED

Section Officer (Judicial)
High Court of Himachal Pradesh

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No. 8891/2014
Decided on 10.12.2014

Lekh Ram

.....Petitioner

Versus

State of HP and others

.....Respondents

Coram

Hon'ble Mr. Justice Rajiv Sharma, Judge

Hon'ble Mr. Justice Sureshwar Thakur, Judge

Whether approved for reporting?¹

For the Petitioner : **Mr. L.N. Sharma, Advocate.**

For the Respondents : **Mr. P.M. Negi, Deputy Advocate General with
Mr. Ramesh Thakur, Assistant Advocate
General and Mr. J.S. Guleria, Assistant
Advocate General.**

Per Rajiv Sharma, Judge (Oral):

Petitioner was engaged as Beldar on daily wage basis in the HP PW Department, Sub Division Dhalli in the month of February 1994. He was retrenched on 25.11.1994. Petitioner raised a demand notice on 8.1.2013. Reply was filed by the employer vide annexure P-2. Labour Officer-cum-Conciliation Officer vide report dated 15.1.2014 submitted that the dispute could not be settled during conciliation proceedings. Thereafter, impugned order dated 10.6.2014 was passed by the Deputy Labour Commissioner, declining to refer the matter to the Labour Court-

¹ Whether the reporters of the local papers may be allowed to see the judgment?

ATTESTED

Section Officer (Judicial)
High Court of Himachal Pradesh

cum-Industrial Tribunal. Petitioner raised industrial dispute after more than 18 years. There is inordinate delay in raising industrial dispute. Matter has become stale. Industrial dispute is to be raised within a reasonable period after accrual of cause of action.

2. Accordingly, there is ^{no} illegality or arbitrariness in order dated 10.6.2014. The present petition is dismissed. Pending applications, if any, are also disposed of.

self
(Rajiv Sharma)
Judge

self
(Sureshwar Thakur)
Judge

December 10, 2014
(vikrant)

18/1/15
16-1-15

No. of application 36273
Name of applicant Lab. A.C.
1. Date of presentation of application 15-12-14
4. Probable date of disposal 22-12-14
5. Date of order 15-12-14
6. Date of order 15-1-15
7. Copy to Sukerban
8. Copy to N. K. Kheran
9. Copy to Y.S.
10. Copy to 15-1-15
11. Date of order 16-1-15
12. Date of order 16-1-15
13. No. of words 903
14. Copying fee Free of cost
15. Urgent fee ---
16. Agency fee Rs. 1.50
17. Fee 1.50
18. Date of delivery 24.1.15

Certified to be true copy
CHD
Section Officer (Judicial)
High Court of Himachal Pradesh
Authorised under Section 76 of
Indian Evidence Act, 1872

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

No-PW-SE-XIV-WS-I-Tender/2014

15150-250

Dated: 27.2.15

From:-

The Superintending Engineer,
14th Circle HPPWD, Rohru.

To

The Director,
Information & Publication Department,
H.P. Secretariat Shimla-171002.
e-mail dprh.@himachal .gov.in.

subject:-

Publishing of Notice inviting Tenders under PMGSY.

Sir,

Enclosed please find herewith seven copies of Notice Inviting Tender along with C.D for publishing in Daily Leading Newspaper i.e. in Hindi & English Published from CHANDIGARH, JAILLANDHAR & DELHI as well as in one National Newspaper in one insertion. As the matter is of urgent nature, you are requested to kindly get it published at the earliest.

Yours, faithfully,

Superintending Engineer,
14th Circle HPPWD, Rohru.

Copy a/w NIT is forwarded for information to:-

1. The Principal Secretary (PW) to the Govt. of Himachal Pradesh Shimla.
2. The Engineer-in-Chief HPPWD, Shimla.
3. The Regional Office Ministry of Road Transport & Highways 6th floor Kandriya Sadan sector 9-A Chindigarh.
4. All the Chief Engineers (except Elect. & Mechanical) in HPPWD.
5. All the Superintending Engineer (except Elect. & Mechanical) in HPPWD.
6. All the Executive Engineer (except Elect. & Mechanical) in HPPWD.
7. The Executive Engineer (IT) HPPWD, Nirman Bhawan Shimla.

Superintending Engineer,
14th Circle HPPWD, Rohru.

Bharat Nirman through Rural Roads
Chief Engineer (Shimla Zone) HPPWD Nirman Bhawan Nigam Vihar
Shimla H.P., 171002
BHARAT NIRMAN
UNDER PRADHAN MANTRI GRAM SADAK YOJANA (PMGSY)
e-Procurement Notice

The Superintending Engineer, HPPWD, 14th Circle Rohru on behalf of Governor of Himachal Pradesh, invites e-tenders on item rate basis from approved and eligible contractors registered with CPW, HPPWD, P&T, Railway and others state Govt. or central government agencies, for the road work under PMGSY including maintenance for five year (after completion). PMGSY is fully funded by the ministry of ruler development, Government o India.

Sr. No.	Name of Distt.	Package No.	Name of work	Period of Complete construction in Month	Estimated cost		Bid security	cost of bids from (non refundable)
					Construction part Rs.	Maintenance part Rs.		
1	Shimla	HP-09-175	Up-gradation of Balance work of Umladawar Dewli Pujarli-3 road km. 0/0 to 12/765 (SH:- Removal of formation deficiencies, C.D works, providing and laying metalling & Tarring, C/o PCC km. 0/0 to 4/0 (Slice-"A"))	12	84,41,575	15,06,544	19,9,000	5000
2	Shimla	HP-09-175	Up-gradation of Balance work of Umladawar Dewli Pujarli-3 road km. 0/0 to 12/765 (SH:- Removal of formation deficiencies, C.D works, providing and laying metalling & Tarring, C/o PCC km. 4/0 to 7/0 (Slice-"B"))	12	82,95,936	11,29,908	18,9,000	5000

Only registered bidder may submit bids, however, the successful bidders must get registered in appropriate class with appropriate authorities before signing the contact.

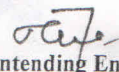
Date of release of invitation for bids through e-procurement **19.03.2015**.

Availability of bid documents and mode of submission: The bid document is available online and should be submitted online in www.pmsgytenders.Gov.in. the bidder would be register in the web site which is free of cost for submission of the bids, the bidder is required to have Digital Signature Certificate (DSC) from one of the authorized Certifying Authorities,. The bidders are required to submit (a) original demand draft towards the cost of bid document and (b) original bid security in approved from and (c) original affidavit regarding correctness of information furnished with bid document as per provisions of clause 4.4B(ii) of ITB with Concerned Executive Engineer HPPWD on a date not later than two working days after the opening of technical qualification part of the bid, either by registered post or by hand failing which the bids shall be declared none-responsive.

Last date/time for receipt of bids through e-procurement: on Date **21.04.2015 up to 11:00** hours and will be opened on **23.04.2015** at 11:30 hours in the office of Superintending Engineer, 14th Circle HPPWD, Rohru.

The Financial bids shall be opened in the office of Chief Engineer (SZ), HPPWD, Shimla (Dated and time will be intimated).

For further details please log on to <http://pmsgytenderhp.gov.in>.


Superintending Engineer,
14th Circle HPPWD, Rohru.

Tel: 01781-240921
Fax: 01781-241713