

Col. M. Roy

ED/krac - (senior)
Dir. krac
D. J. Forward
RS

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AN ISO 9001:2000 CERTIFIED COMPANY
The Right to Information Act, 2005

MS-9504/2014

To,
Public Information Officer,
Office of Executive Director (T&C),
Railway Board, Rail Bhawan,
New Delhi-110001

40724

6/2/2014

DM

10/5/14

24/02/14

Sub: Application Under Section 6 of Right to Information Act, 2005

1. Full Name of Applicant : Amrtesh Kumar Roy
2. Father's Name : Sh. B.R. Ujala
3. Full Address : 4961/1, Ambalika Shopping Complex,
Nehru Bazar, Paharganj, New Delhi-110055
4. Phone/Mobile No. : 9871244221
5. E-mail if any : akroy1011@gmail.com
6. Whether Applicant is an Indian Citizen: YES
7. Details of Information required:-

The Double Bench of Hon'ble Delhi High Court had directed Ministry of Railway through Additional Solicitor General in WP (c) 3079/2013, WP (c) 6243/2012 & WP (c) 2092/2012 for framing of some norms and regulations to ensure that in tender matters, the parties are put to notice of the reasons for any adverse decision like disqualification or lack of eligibility criteria (s) which has not been met which led to disqualification (copies of orders enclosed).

Under Right to Informations, please provide the information:-

1. Whether some norms and Regulations have been made to ensure compliance of Delhi High Court orders and to provide the Copy thereof.
2. Whether Zonal Railways have been advised to this regard to follow the guidelines of Delhi High Court and to provide the Copy thereof.

RSB
29/01/14

8. In what form the Information is required (In Print Form/by Post): By Post

9. Details of Application fee for Information: Rs. 10/- by Indian Postal Order
: No. 984434 dated: 14.12.2013

10. Additional Fee : Shall be paid if Required

11. Whether the applicant belongs to below Poverty Line Category (BPL) : No

Place: New Delhi

Date: 24.01.2014

DA/Copies of Orders of Delhi High Court as above


FOR A.K. ROY

IN THE HIGH COURT OF DELHI AT NEW DELHI

WP (C) 3079/2013

RAJESH KUMAR GUPTA Petitioner

Through: Mr. Sudhir Nandrajog, Sr. Adv. with

Mr. Anupam Gupta, Adv.

versus

UNION OF INDIA and ANR. Respondents

Through: Mr. Aditya Malhotra, Adv. for R-1.

Mr. Saurav Agrawal, Adv. for R-2.

CORAM:

HON?BLE MR. JUSTICE SANJAY KISHAN KAUL

HON?BLE MR. JUSTICE SANJEEV SACHDEVA

O R D E R

13.05.2013

CM No.5839/2013 (Exemption)

Allowed subject to just exceptions.

WP (C) No.3079/2013

We are, once again, faced with another writ petition where the grievance is that the petitioner's bid has been held to be disqualified and financial bid not opened without disclosing the reasons for the same. This is the position despite the petitioner having sought for reasons. Learned counsel for the petitioner states that a letter was received only on 10.5.2013 dated 9.5.2013 in response to a letter of the petitioner which again only says that the petitioner did not meet the eligibility criteria but it is not stated as to what is the eligibility criteria which has not been met.

WP (C) No.3079/2013 Page 1 of

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It troubles us that despite our various orders passed calling upon the Government to follow a consistent policy in this behalf and to communicate reasons so that two rounds of litigation can be avoided ? the first one to elicit reasons from the concerned authorities and thereafter the second one when those reasons are assailed, if advised. Despite our caution and assurances held out by the learned ASG that necessary Government instructions will be issued the same has not happened. We may only refer to our order in WP (C) No.6243/2012 titled BLS International Services Ltd. Vs. Union of India decided on 19.10.2012, which has been preceded by our direction in WP (C) No.2092/2012 titled Amit Brothers Vs. Chief Engineer, R and D and Anr. decided on 13.4.2012, where for the nth time we passed the following order:

24. We may add here that on numerous occasions, we have been asking Government and Government authorities to communicate reasons for the decision so that an aggrieved party, if wanting to approach the Court, at least knows the basis for the decision. In fact, we had requested the earlier ASG Mr. A.S. Chandhok to look into this matter and in certain petitions, directions have been issued for framing of some norms and regulation to ensure that in tender matters the parties are put to notice of the reasons for any adverse decision. This, in turn, was based on our experience over the last more than two years of various matters coming to the Court (almost every tender seems to be challenged in Court), and in the first round the party does not know the reason and they have to approach the Court a second time to assail the decision in a second round after they are communicated the reasons under directions of the Court in the first round. We only hope that the present learned ASG would be able

to persuade the authorities to take a constructive step in this behalf.
We say no more on this aspect.?

It is obvious to us that our directions are being violated by not circulating the order to all the concerned Ministries so that we are not required to, again and again, repeat the same thing.

WP (C) No.3079/2013 Page 2 of

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Learned counsel for respondent No.2 assures that the reasons would be communicated to the petitioner within a period of four (4) days from today. In case the petitioner is so advised it will be open to him to assail the communication in accordance with law.

The writ petition accordingly stands disposed of.

We have called upon the learned ASG, Mr. Rajeev Mehra, to enter appearance in this matter for purposes of compliance of our directions contained in the order passed in WP (C) No.6243/2012 dated 19.10.2012 failing which the Court will have no option but to issue notice of contempt. The Government circular in this behalf addressed to all the Ministries be placed on record.

List for compliance on 16.5.2013.

Dasti to learned counsels for the parties and the learned ASG under the signatures of the Court Master.

SANJAY KISHAN KAUL, J.

IN THE HIGH COURT OF DELHI AT NEW DELHI

WP (C) 3079/2013

RAJESH KUMAR GUPTA Petitioner

Through: None.

versus

UNION OF INDIA and ANR. Respondents

Through: Mr. Sachin Datta, CGSC with

Ms. Ritika Jhurani and Mr. Dinesh Sharma, Advs. for R-1.

Mr. Saurav Agrawal, Adv. for R-2.

CORAM:

HON?BLE MR. JUSTICE SANJAY KISHAN KAUL

HON?BLE MR. JUSTICE SANJEEV SACHDEVA

O R D E R

16.05.2013

Learned Standing Counsel states that in pursuance of order dated

13.5.2013, he has verified and that an Office Memorandum (for short ?O.M.?) dated 25.4.2013 had already been issued for implementation of the directions of this Court dated 13.4.2012 in connection with tender matters. A copy of the same is taken on record. It appears that despite this O.M., necessary care was not taken in the present matter though it is stated that now it has been so communicated.

The O.M. dated 25.4.2013 be given adequate publicity by putting it on the website and sending periodic reminders to different departments so that it is followed in letter and spirit.

No further directions are required.

SANJAY KISHAN KAUL, J.

MAY 16, 2013 SANJEEV SACHDEVA, J.

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No.2013/TG-III/Misc. FTS 9504/13

Sub: RTI of Mr. Amrtesh Kumar Roy.

Enclosed herewith is a RTI received directly in T&C Directorate from Mr. Amrtesh Kumar Roy.

Board's letter no. 2008/RS(G)/777/1 dt. 31/10/13 (copy enclosed for ready reference) reveals that the matter has been dealt by RS(G). Hence RTI Cell is requested for registration of this RTI and then mark it to RS(G) Branch.


SO/TG-III
05.02.14

JD/T&C 
05.02.14

RTI Cell Registrar new case
Mark RS(G)


05.02.14

भारत सरकार BHARAT SARKAR
रेल मंत्रालय MINISTRY OF RAILWAYS
रेलवे बोर्ड RAILWAY BOARD

No. 2008/RS(G)/777/1

New Delhi, dated: 31.10.2013

The General Manager, All Indian Railways & PUs including NF(C).
The General Manager, CORE, Allahabad.
The General Manager, Metro Railway, Kolkata.
The Director General, RDSO, Lucknow & Railway Staff College, Vadodara.
CAO/Workshop Projects organization, 1st Floor, Chamber Bhawan, JC Road, Patna-800001.
CAO/DMW, Patiala and COFMOW, New Delhi.
CAO/RCF/RBL, Old TA Building, Kishanganj, Delhi,
CAO, RWP, Bela
MD/All PSUs, under Ministry of Railways

Sub: Disclosing the reasons for rejecting/non-issuing of tenders -
implementation of Court Order dated 13.04.2012 in WP(C) No.
2092/2012 passed by Hon'ble Delhi High Court.

In continuation of Board's letters of even no. dated 23.9.2013 and 7.10.2013 on
the above subject, copies of Hon'ble Delhi High Court's Orders (1) dated 13.04.2012 in
WP(C) No. 2092/2012 (2) dated 13.05.2013 in WP(C) No.3079/2013 are enclosed for
ready reference.

Santosh Mittal
(Santosh Mittal)
Dy. Director Railway Stores (G) I
Railway Board

No. 2008/RS(G)/777/1

New Delhi, dated: 31.10.2013

- Copy to:**
1. FA&CAO, All Indian Railways & Production Units
 2. ADAI (Railways), New Delhi (with 10 spares copies)
 3. The Director of Audit, All Indian Railways.

Santosh Mittal
(Santosh Mittal)
Dy. Director Railway Stores (G) I
Railway Board

No. 2008/RS(G)/777/1

New Delhi, dated: 31.10.2013

Copy to:

1. The COSS, All Indian Railways/PUs, NF(C), Metro Railway-Kolkata, COFMOW, CORE,
WPO and RWP/Bela
2. PCEs, All Indian Railways & PUs, COFMOW, DMW, WPO, RCF/RBL, and RWP/Bela