

Government of India
Directorate General of Works
Central Public Works Department
C.S.Q. Organisation
Contracts and Manual Unit

No. DG./MAN/11

Hirman Bhavan, New Delhi.
Dated the 15-10-97

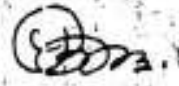
It has come to the notice of this Directorate that some of the divisions are not following the procedures laid down in the CPWD Manual Vol. II regarding conduct of arbitration cases where the claims are Rs. 10 lacs or more and the Executive Engineers of some of the divisions are not submitting the cases to the Sr. Counsel for conducting the cases before the arbitrator.

With regard to engagement of Government advocates it has been laid down in Para 35.22 of CPWD Manual Vol. II that where the Counsel of the Department is not available and/or where it is considered desirable to avail the services of the local lawyer to conduct a case on behalf of the Department, fees may be paid at the rates approved by the State in which the cases are conducted. In such cases approval of Chief Engineer/Director, General of (works), as the case may be is to be obtained before engaging the lawyer.

It is found in one of the cases that the Executive Engineer has written a letter directly to Ministry of Law & Justice for appointment of advocate even before the appointment of Arbitrator and it is also noticed that this letter was written as much as six months before the statement of facts was submitted.

The non-submission of the file to the Senior Counsel regarding conducting of the case and directly sending the above letter is violation of the instructions laid down in the CPWD Manual Vol. II. DG(A) has taken a serious view on the matter.

It is, therefore, enjoined upon all to strictly adhere to all the provisions and guidelines regarding conduct of the cases before the arbitrator and in cases where the value of the claim is Rs. 10 lakhs or more, seek the assistance of the Senior Counsel CPWD from the very early stage for conduct of the cases before the arbitrator.


(P.K. Mathura)
Superintending Engineer (C&M)

(Issued from 32/10/96-SE(C&M)/96).

(As per mailing list attached)