

संदर्भ: MCL/CMS/CHA/NSCH/TAL/E&M/2023/

42

Dated: 05/01/2024

To
M/s Bajarang Power Construction, PAN: AOIPS3215D
Prop: Ranjan Kumar Sahoo,
At-Bhimpur, Plot No. 111/2278, Unit- VI,
Ganganagar, Bhubaneswar, Khurdha, Odisha-751003.
Email: bpc1648@gmail.com

//Regd. Post & Email//

Sub: Banning of business from participating in future tenders of MCL for a period of 01(one) year.

Ref: 1) Name of work: Annual Contract for the operation of Manifold Gas Plant and operation of Pumps installed at new UGT Pump house for water supply to NSCH Building of CH Area, Talcher, MCL.
2) Detailed Work Order No.: MCL/CMS/NSCH/TAL/E&M/DWO/2023/2819 dtd. 07/03/2023.
3) GEM Contract No.: GEMC-511687764752418 dtd. 15/02/2023.

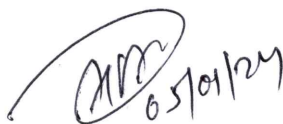
References of letter/communications:

- 1) Complaint of 6 nos workmen dtd. 25/07/2023 vide despatch no. 2649. (Working at Gas plant)
- 2) Complaint of 5 nos workmen to CLC (Central) received at D(P) secretariat dtd. 16/06/2023 vide despatch no. 724 who were removed from the job by the contractor.
- 3) Complaint of 3 nos workmen dtd. 07/08/2023 vide despatch no. 2812. (Working at UGT Pump House).
- 4) Our Letter no.: CMS/CHA/NSCH/TAL/E&M/2023/8680 dtd. 07/08/2023 via email dtd. 07/08/2023.
- 5) Our email dtd. 09/08/2023 with attached complaint of UGT Pump operators.
- 6) Your letter dtd. 10/08/2023 via email.
- 7) Our reply no.: CMS/CHA/NSCH/TAL/E&M/2023/8962 dtd. 11/08/2023 via email dtd. 11/08/2023.
- 8) Final notice no.: CMS/CHA/NSCH/TAL/E&M/2023/9379 dtd. 17/08/2023 via email dtd. 17/08/2023.
- 9) Your letter dtd. 22/08/2023 with attached summary page of writ petition no. WP(C) 27007/2023.
- 10) Our letter no. CMS/CHA/NSCH/TAL/E&M/2023/11181 dtd. 23/09/2023 in regards to order dtd. 11/09/2023 of Hon'ble High court for consideration of your representation.
- 11) Complaint of 06 nos workmen to Collector, Angul with copy to CMS, NSCH vides dispatch no. 3108 dtd. 04/09/2023 and strike notice of 06 nos workmen dtd. 09/09/2023.
- 12) Complaint of 11 nos workmen to LEO (central), Angul with copy to CMD, MCL vide dispatch no. 7103 dtd. 26/09/2023 and subsequently forwarded to GM (P&IR) and to CMS, NSCH, Talcher sent via mail on 03/10/23.
- 13) Our Letter no.: MCL/CMS/NSCH/TAL/E&M/23/11667 dtd. 03/10/2023 via email dtd. 03/10/2023.
- 14) Your letter dtd. 06/10/2023 via email dtd. 06/10/23 and our reply via email dtd. 07/10/23.
- 15) Termination letter. MCL/CMS/CHA/NSCH/TAL/E&M/2023/12065 dtd. 13/10/23 via email. Dtd. 13/10/23.
- 16) Show cause notice: MCL/CMS/NSCH/TAL/E&M/23/12173 dtd. 16/10/2023 via email. Dtd. 16/10/23.

Dear Sir,

With reference to above GEM contract executed by you from dtd. 11/03/2023 to until termination i.e. dtd 13/10/2023, different manpower have been engaged by you towards 03 nos Pump khallasi, 03 nos gas plant operator and 03 nos gas plant helpers for work execution. The engaged workmen have complained regularly in different forum regarding non-payment of wages/ non compliance of PF and you have not paid any salary of your contract labour engaged for the referred work from commencement day of the work i.e. 11th March, 2023. You have already been advised several times vide letter under references both by undersigned as well as by APM, NSCH to pay your workers minimum wages as applicable through bank with compliance of PF & Pension as per contractual obligations mentioned in clause no. 13 (xxvii) of Annexure-II of buyer added ATC attached under clause no. 2.10 of GTC of referred GEM contract.

Contd. P/2


05/01/24

((2))

However regularly you have violated your contractual obligations mentioned on clause no. 13 (xxvii) of Annexure-II of buyer added ATC attached under clause no. 2.10 of GTC of referred GEM contract and failed to rectify the same in due time. The above act of yours is a continued and repeated failure to meet contractual obligations and breach of Contract terms & conditions.

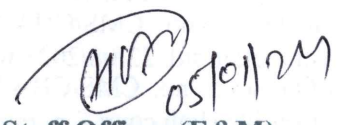
Since you have failed to produce documentary evidence for payment of wages to the workmen in sufficient time given by undersigned and APM, NSCH, the proposal for direct payment to the contract workmen was initiated & payment had been made to some workmen as per Section-21(4) of Contract Labour (Regulation & Abolition) Act, 1970 as Principal employer and for rest workmen it is under process.

Since you were committing breach in complying with any of the terms and conditions of the contract, show cause notice was issued to you vide referred letter dtd. 16/10/2023 (Sl. No. 16) giving time upto dtd. 26/10/2023 for observance of principle of natural justice, but you have failed to submit your response within stipulated time. Hence on expiry of the period as specified in the referred notice (Sl. No.16), following penal action is being imposed on you as per clause no. 21(2) (v) of Annexure-II of buyer added ATC attached under clause no. 2.10 of GTC of referred GEM contract:

- 1) Banning of business of your firm from participating in future tenders of MCL for a period of 01(one) year from the date of issue of this letter.

This issues with the approval of the competent authority vide e-office computer no. 1271905.

Yours Faithfully,


Staff Officer (E&M),
NSCH, CH Area, Talcher.

DISTRIBUTION:

01. TS to CVO for kind information.
02. The General Manager (E&M)/HOD, MCL HQ, Burla for kind information.
03. The Chief of Medical Services (HOD), MCL, Burla for kind information.
04. The GM Jagannath / Lingaraj / Bharatpur / Hingula / Talcher / Kaniha / Subhadra / CWS (X), Talcher / IB-Valley / Basundhara / Mahalakshmi / Orient / Lakhanpur Area / CWS (X), IBV.
05. The GM, MCL near Chandrasekharpur, Omfed chowk, Plot No. G-3 (Gogakana), Bhubaneswar.
06. The General Manager, e-Procurement, MCL, HQ.
07. The General Manager, System, MCL, HQ.
08. The CMO I/c, NSCH, Talcher.
09. All SO (E&M), Jagannath / Lingaraj / Bharatpur / Hingula / Talcher / Kaniha / Subhadra / CWS (X), Talcher / IB-Valley / Basundhara / Mahalakshmi / Orient / Lakhanpur Area / CWS (X), IBV Area & Bhubaneswar.
10. The AFM/APM/SO (Civil)/SO (MM), NSCH, Central Hospital Area, Talcher.
11. Notice Board.