



No.SOB-II(C&W)2-23/86  
GOVERNMENT OF THE PUNJAB  
COMMUNICATION & WORKS DEPARTMENT

Dated Lahore, the 21<sup>st</sup> November, 2016.

ORDER

37158  
No.SOB-II(C&W)2-23/86. WHEREAS, M/S Hidayat Ullah Khan & Company, E-332/E, Civil Line, Mianwali was enlisted in C&W Department as Contractor in Category C-1 Highway works for the year 2009-10 and last renewed upto 31.01.2009. He filed Writ Petition No.30747/2014 in the Hon'able Lahore High Court, Lahore against the decision of the Secretary C&W Department dated 14.11.2014, the petitioner has been permanently blacklisted from participating in any government tender essentially for poor performance and consistent failure to perform obligation under the government contracts. The Hon'ble Court passed the following directions on 11.11.2015:-

*"Under the circumstances, to this extent the petition is allowed and impugned order dated 14.11.2014 passed by the respondent is set aside. The case is remitted to the respondent to pass a fresh order in accordance with law after hearing all the necessary parties within one month's time of receipt of certified copy of this order. Compliance report shall be submitted to the Deputy Registrar (Judicial) of this Court".*

2. **And whereas**, in compliance with the above directions, the petitioner was given the ample opportunities of personal hearing vide letters No. SOB-II(C&W)2-23/86 dated 31.12.2016, 14.01.2016 and 31.03.2016, but he did not join the proceedings. In this connection, the proclamation in the Daily Jhang News Paper was published by the Department on 16.05.2016 to meet the ends of justice. Thereafter, the petitioner requested the department vide letter dated 22.07.2016 that due to serious illness, he could not join the proceedings of personal hearing, therefore, his partner, Mr. Ajmal Khan Niazi may be allowed to participate in proceedings. The Competent Authority/Secretary C&W Department acceded to the request of the petitioner and Mr. Ajmal Khan Niazi was allowed to join the proceedings and case was fixed for personal hearing on 10.08.2016 at 01:00 p.m.

3. **And whereas**, the managing partner of the firm Mr. Ajmal Khan Niazi appeared before the Competent Authority on 10.08.2016 and stated that no defective

*[Handwritten signature]*  
Asam ur Rehman  
Asst-I



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work was executed by the firm i.e *“W/I of Lahore-Jaranwala-Faisalabad-Jhang-Bhakkar-Darya Khan Art: 3 Road from Km No. 271.82 to 379.64 Km = 107.82 Km (reach from km No. 271.82 to 314.15 = 42.33 Km) in District Bhakkar”* & *“W/I of Sohawa-Chakwal-Talagang-Mianwali (SCTM) road (from Km No. 176.39 to 216.76 L+40.37 Km) (reach from Km No. 176.39 to 191.09 = 14.70 Km in District Mianwali)”*. He further added that that quality of the completed work was upto mark and the firm had not abandoned the work. The firm had been participating and working under government tenders and contracts for more than 40 years. The petitioner had never been blacklisted before.

4. **And whereas,** during the course of personal hearing the Executive Engineer, Provincial Highway Division, Mianwali pointed out that the newly constructed road started facing distress and cracks. The contractor took-up the execution of the plain areas and neglected the execution of work in hilly reach of Musa Khel which was the most concerned area because of the reason that the existing old route had a grade upto 8% which caused difficulty to the traffic on this route coming from Karachi and enroute to Islamabad and from northern areas of the country. Some cutting and filling was carried out in hilly reach and structures were also constructed which were damaged even before the plying of traffic. The road work executed in the plain area was also damaged before the completion of the project. The asphalt work was got tested from RR&MTI and Labs from UET Taxila Campus which showed the usage of less bitumen against the specified bitumen contents. The firm used local aggregate Musa Khel Hill in TST and asphalt work against the specifications / departmental instructions, which caused deterioration of the executed work within a shorter span of time. The work was abandoned by the contractor since 2008. He was time and again directed to complete the work and rectify the defects but the firm did not fulfill the contractual obligations. The non-professional attitude by contractor had resulted into heavy loss inflicted to the government besides depriving the public from benefits to be accrued after completion of development projects. The work remained abandoned for five years due to the non-cooperation of the contractor firm and caused loss to the Government exchequer.



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5. Now therefore I, Muhammad Mushtaq Ahmad, Secretary C&W Department, Lahore / Competent Authority, after hearing the contention of both the parties, recommendations of Chief Engineer (North), Punjab Highways Department dated 27.02.2014, perusals of the relevant record and reports, hereby decide to blacklist the firm M/S Hidayat Ullah Khan & Co. E-332/E, Civil Line, Mianwali for commission of acts detrimental to the public interest, poor performance and consistent failure to perform its obligation under the contract for a period of five (05) years from the date of issuance of this order. The firm is debarred to participate in tendering for any work executed by C&W Department in Provincial as well as district set up in the Province of Punjab for the said period and is further disallowed for registration as a new firm/contractor with C&W Department. The name of the firm is also removed from the approved list of contractors of C&W Department. However, the firm can apply afresh for enlistment/renewal in this department after lapse of said period.

  
(MUHAMMAD MUSHTAQ AHMAD)  
SECRETARY

**NO. & DATE EVEN:-**

A copy is forwarded for information and necessary action to the:-

1. Additional Registrar (J), Lahore High Court, Lahore with reference to W.P. No.30747/2014 and in compliance with Hon'able Court order dated 11.11.2015.
2. The Chief Secretary, Punjab.
3. Chairman, Planning & Development Board, Lahore.
4. Senior Member Board of Revenue, Punjab.
5. All Secretaries, Government of the Punjab.
6. All Commissioners, Punjab.
7. Managing Director, PPRA, Lahore.
8. All District Coordination Officers, Punjab.
9. Director General, Anti Corruption Establishment, Lahore.
10. Chairman, Pakistan Engineering Council, Islamabad.
11. Chief Engineer, (North/South), Punjab Highways Department, Lahore.
12. Chief Engineer, (North/South), Punjab Buildings Department, Lahore.
13. Chief Engineer (DS&M) Department, Lahore.
14. PS to Secretary, Communication & Works Department, Lahore.
15. Deputy Director (Legal), C&W Department, Lahore.
16. PA to AST-II, Communication & Works Department, Lahore.
17. Hidayat Ullah Khan & Co. E-332/E, Civil Line, Mianwali through his representative, Ajmal Khan Niazi.
18. Office order file.

  
SECTION OFFICER (B-II)