



भारत सरकार Government Of India  
रेल मंत्रालय Ministry Of Railways  
(रेलवे बोर्ड) (Railway Board)

No. 2014/CE-I/CT/O/9/RET

New Delhi, Dated 22.01.2015

To,  
As per list attached.

**Sub :** Addendum & Corrigendum Slip (ACS) no. 3 to GCC, July 2014 : Amendment in Para 17(a) of Tender Form and Clauses 59(10) & 62(1)(xiii)(A) to GCC regarding employment etc. of retired Government officers by railway contractors.

The issue of restriction on employment etc. of such retired Government officers who have retired within last one year, by the railway tenderers / contractors, has been examined in Railway Board office and it has been decided by Board (ME) to amend Para 17(a) of Tender Form and Clauses 59(10) & 62(1)(xiii)(A) to Indian Railways' General Conditions of Contract (GCC), applicable to works tenders / contracts, as follows :


Existing Para / Clause	Revised Para / Clause
<p>Para 17(a) of Tender Form (Second Sheet), i.e. Annexure I to Part-I of GCC</p> <p>17. Employment / Partnership Etc. Of Retired Railway Employees :</p> <p>(a) Should a tenderer be a retired engineer of the Gazetted rank or any other Gazetted officer working before his retirement, whether in the executive or administrative capacity or whether holding a pensionable post or not, in the Engineering or any other department of any of the railways owned and administered by the President of India for the time being, or should a tenderer being partnership firm have as one of its partners a retired engineer or retired Gazetted Officer as aforesaid, or should a tenderer being an incorporated company have any such retired engineer or retired officer as one of its Directors or should a tenderer have in his employment any retired Engineer or retired Gazetted Officer as aforesaid, the full information as to the date of</p>	<p>Para 17(a) of Tender Form (Second Sheet), i.e. Annexure I to Part-I of GCC</p> <p>17. Employment / Partnership Etc. Of Retired Railway Employees :</p> <p>(a) Should a tenderer be a retired engineer of the Gazetted rank or any other Gazetted officer working before his retirement, whether in the executive or administrative capacity or whether holding a pensionable post or not, in the Engineering or any other department of any of the railways owned and administered by the President of India for the time being, or should a tenderer being partnership firm have as one of its partners a retired engineer or retired Gazetted Officer as aforesaid, or should a tenderer being an incorporated company have any such retired engineer or retired officer as one of its Directors or should a tenderer have in his employment any retired Engineer or retired Gazetted Officer as aforesaid, the full information as to the date of</p>

<p>retirement of such Engineer or Gazetted Officer from the said service and in case where such Engineer or Officer had not retired from Government service at least 2 years prior to the date of submission of the tender as to whether permission for taking such contract, or if the contractor be a partnership firm or an incorporated company, to become a partner or Director as the case may be, or to take the employment under the contractor, has been obtained by the tenderer or the Engineer or Officer, as the case may be from the President of India or any officer, duly authorised by him in this behalf, shall be clearly stated in writing at the time of submitting the tender. Tenders without the information above referred to or a statement to the effect that no such retired Engineer or retired Gazetted Officer is so associated with the tenderer, as the case may be, shall be rejected.</p>	<p>retirement of such Engineer or Gazetted Officer from the said service and in case where such Engineer or Officer had not retired from Government service at least one year prior to the date of submission of the tender as to whether permission for taking such contract, or if the contractor be a partnership firm or an incorporated company, to become a partner or Director as the case may be, or to take the employment under the contractor, has been obtained by the tenderer or the Engineer or Officer, as the case may be from the President of India or any officer, duly authorised by him in this behalf, shall be clearly stated in writing at the time of submitting the tender. Tenders without the information above referred to or a statement to the effect that no such retired Engineer or retired Gazetted Officer is so associated with the tenderer, as the case may be, shall be rejected.</p>
<p><b>Clause 59.(10) Restrictions On The Employment Of Retired Engineers Of Railway Services Within Two Years Of Their Retirement :</b> The Contractor shall not, if he is a retired Government Engineer of Gazetted rank, himself engage in or employ or associate a retired Government Engineer of Gazetted rank, who has not completed two years from the date of retirement, in connection with this contract in any manner whatsoever without obtaining prior permission of the President and if the Contractor is found to have contravened this provision it will constitute a breach of contract and administration will be entitled to terminate the contract at the risk and cost of the contractor and forfeit his Security Deposit.</p>	<p><b>Clause 59.(10) Restrictions On The Employment Of Retired Engineers Of Railway Services Within One Year Of Their Retirement :</b> The Contractor shall not, if he is a retired Government Engineer of Gazetted rank, himself engage in or employ or associate a retired Government Engineer of Gazetted rank, who has not completed one year from the date of retirement, in connection with this contract in any manner whatsoever without obtaining prior permission of the President and if the Contractor is found to have contravened this provision it will constitute a breach of contract and administration will be entitled to terminate the contract and forfeit Earnest Money Deposit (EMD), Performance Guarantee (PG) and Security Deposit (SD) of that contract.</p>
<p><b>Clause 62(1)(xiii)(A) :</b> At any time after the tender relating to the contract, has been signed and submitted by the Contractor, being a partnership firm</p>	<p><b>Clause 62(1)(xiii)(A) :</b> At any time after the tender relating to the contract, has been signed and submitted by the Contractor, being a partnership firm</p>

admit as one of its partners or employee under it or being an incorporated company elect or nominate or allow to act as one of its directors or employee under it in any capacity whatsoever any retired engineer of the gazetted rank or any other retired gazetted officer working before his retirement, whether in the executive or administrative capacity, or whether holding any pensionable post or not, in the Railways for the time being owned and administered by the President of India before the expiry of two years from the date of retirement from the said service of such Engineer or Officer unless such Engineer or Officer has obtained permission from the President of India or any officer duly authorized by him in this behalf to become a partner or a director or to take employment under the contract as the case may be, or

admit as one of its partners or employee under it or being an incorporated company elect or nominate or allow to act as one of its directors or employee under it in any capacity whatsoever any retired engineer of the gazetted rank or any other retired gazetted officer working before his retirement, whether in the executive or administrative capacity, or whether holding any pensionable post or not, in the Railways for the time being owned and administered by the President of India before the expiry of one year from the date of retirement from the said service of such Engineer or Officer unless such Engineer or Officer has obtained permission from the President of India or any officer duly authorized by him in this behalf to become a partner or a director or to take employment under the contract as the case may be, or

2. This issues with the concurrence of the Finance Directorate of the Ministry of Railways.
3. Please acknowledge receipt.

  
(आलोक कुमार) 22/01/15

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No. 2014/CE-I/CT/O/9/RET

New Delhi, Dated 22.01.2015

Copy forwarded for information to :

- (i) FA&CAO, All Indian Railways.
- (ii) Dy. Comptroller and Auditor General of India (Railways), Room no. 224, Rail Bhavan, New Delhi (with 46 spare copies)



For Financial Commissioner / Railways