

U. P. PUBLIC WORKS DEPARTMENT

Panwar's
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Rules, Classification & Enlistment

of

Contractors Booklet

(G. O. No. 2365/M-5/23, S. N.-7-41 MSA) 1954;

dated 24-9-82

Engineer in Chief U. P. P. W. D. Lucknow

Letter No. 362/MTG/70 F. 68 Dt. 8-10-82

J.
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लोक निर्माण विभाग, उत्तरप्रदेश
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RULES

Classification and Enlistment of Contractors in the Public Works Department

Rule 1. These rules will govern the classification and enlistment of Contractors in the Public Works Department. The tenders of only those contractors will be considered for any work in the Public Works Department who are entitled to tender for that work according to their enlistment.

Contractors enlisted under A & B classes will be on all Uttar Pradesh State basis, in other words contractor under these classes would be permitted to tender for any civil and Mechanical works in Rural Engineering Service anywhere in Uttar Pradesh contractors enlisted in class 'C' and 'D' will be for Circles and Divisions only. The Contractors enlisted under 'A' class for Sanitary and Electrical works would be permitted to tender for any work in Rural Engineering Service anywhere in Uttar Pradesh and 'B' and 'C' class Sanitary and Electrical contractors will be for Circles & Divisions only. The Electrical Contractors who hold a valid licence of Category (A) from Chief Electrical Inspector will be enlisted in 'A' class and those who hold the license of category 'B' will be enlisted in 'B' & 'C' class. The U.P. Rajkiya Nirman Nigam and U.P. State Bridge Corporation shall however, be exempted from enlistment under this rule.

Rule 2. (1) Enlistment of contractors will be made separately for the following categories:

1. (i) Building
(ii) Bridge
(iii) Road works
2. Sanitation and water supply
3. Electrical Works
4. Mechanical Works.

(2) Each category for contractors will be further classified as in Appendix 'A' according to the upper financial limit of the works for which a contractor enlisted in the particular class can tender;

Rule 3. Enlistment to all classes will be open to all individuals, undivided Hindu families, firms registered under the Indian Partnership Act and Public limited companies.

PROVIDED that an applicant will be enlisted only in that class to which found entitled in accordance with these rules by the authority prescribed herein for the purpose.

Rule 4. An applicant for enlistment to particular class should have a minimum solvency as mentioned in Appendix 'B' technical staff as mentioned in Appendix 'C' equipment, tools & plants as mentioned in Appendix 'D' he should have satisfactorily executed at least five works. Whose individual value should at least be as mentioned in Appendix 'E' and should have not been previously convicted of an offence involving moral turpitude.

However, if a contractor does not have the past experience as required in Appendix 'E' but fulfills all other conditions for enlistment will be enlisted provisionally under 'D' category for a period of two years. This period of probation can be extended by one year on special grounds by Engineer-in chief.

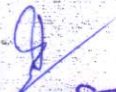
Rule 5. (1) In case of individuals, firms and undivided Hindu family proof of the solvency of the applicant will consist of a certificate signed by the Distt. Magistrate concerned or a certificate reference of a scheduled Bank.

(2) In the case of a private or Public limited company the proof the company's solvency will be its last balance sheet audited and certificate by a Chartered Accountant or a certificate/reference of a Schedule Bank.

Who are to be enlisted

Qualifications for enlistment

Proof of applicants solvency


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Proof of employment
of technical staff

Rule 6. Proof of employment of the required technical staff will consist of a declaration by the applicant in the following form in the presence of a Notary Public giving full particulars of the required staff.

I S/o R/o *Karta/partner..... of applicant for enlistment a contractor in the Rural Engineering Service

U.P. do hereby declare that the following persons are in my/our regular employment on the post and from the dates mentioned against them.

I undertake that if any of the post falls vacant and is left unfilled for more than one month I/We shall inform the authority to whom the application for enlistment is being made.

Sl. No.	Name & address	Technical qualification	Post held	Date of regular continuous employment
1	2	3	4	5

*If the applicant is not an individual

Strike out where necessary.

declared in my presence Sd.

Applicant

Seal (Notary Public)

Proof of possession of
Machinery, Tools etc.

Rule 7. Proof of possession of required Machinery tools and plants will consist of a declaration by the applicant in the following form made in the presence of stipendiary Magistrate, giving full particulars of the equipment, or an Affidavit, for the same verified by a notary.

I.....S/o resident of

*Karta/Partner of applicant for enlistment as a contractor, the Rural Engineering Service, U.P. do hereby declare that I/We possess the following machinery, tools and plants. I undertake that if there is any reduction in this equipment below the limit required by the relevant rules I/We will inform the authority to whom application for enlistment is being made.

Particulars of Machinery etc.	Estimated Cost	Approximate Age.
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*If the applicant is other than an individual

Strike out where necessary.

Rule 8. Evidence of satisfactory execution of five works of the required value will consist of certificate form the Engineer in Charge of the works not below the rank of an Executive Engineer.

Rule 9. (1) The application for enlistment will be made in the form given in Appendix 'F' accompanied by a treasury receipt of the application fee mentioned in sub-para (2) and document mentioned in sub-para (3) A. Separate application will have to be moved for different categories of works.

(2) The application fee should be as under

Class A	Rs. 50/-
Class B	Rs. 40/-
Class C	Rs. 25/-

Proof of previous
experience

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and it shall not be refunded.

- (3) Every application shall be accompanied by the following documents -
- Proof of solvency of the applicant.
 - Proof of employment of the required technical staff.
 - Proof of possession of required machinery tools and plants.
 - Proof of execution of five works of the required value.
 - In case of a firm duly certified copy of partnership deed and registration certificate in case of a company, the deed for Articles of Association.
- (4) In case of any change in solvency Technical Staff, tools and plants as mentioned in Rules 4 above, or the change in partners or constitution of a firm or articles of Association/Constitution of a company, as mentioned in Rule 9 (3) above the same shall be intimated to the authority competent for enlistment, within 7 days of such change and an acknowledgement of the same shall be obtained.

Officers authorised
to enlist

Rules 10. An application for enlistment to a particular class of Contractors will be presented to the authority mentioned in Appendix 'G' who will be the final authority in the matter subject to the provisions of appeal and review made hereafter.

Rule 11. Enlistment will entitle the contractor to tender for works within the jurisdiction of the authority who ordered enlistment

Area in which the
enlisted contractor
can work

Rule 12. (1) The authority to whom an application for enlistment is presented may get such enquiry held as he considers necessary before passing the final orders if the authority is satisfied that the applicant is suitable for being enlisted in the class applied for he will pass an order to this effect this order will, however, be provisional and will become final only after the contractor has deposited the security provided below if the authority is not so satisfied he will pass an order rejecting application giving reasons therefore and intimate the applicant in writing within 15 days of such rejection/acceptance order the applicant can, thereafter, file an appeal, against the rejection order, before the next higher authority, while will dispose it off, ordinarily, within three months.

(2) All applications shall ordinarily, be disposed of within 3 months of the date of presentation.

- (3) A contractor whose application for enlistment has been rejected shall not be entitled to apply a fresh for enlistment within 6 months from the date of the final order passed in the

Rule 13. (1) A general security as mentioned in Appendix shall be deposited by the contractor within one month of the date of orders of enlistment or within such period, not exceeding 3 months as may be extended by the authority ordering enlistment, if no such security is deposited the order of enlistment will be deemed to have lapsed and the matter will be finally closed.

(2) The General Security may be in one of the form as specified in para 71 of Financial Hand Book Vol V Part 1 as ammended from time to time.

- (3) The contractor will then become entitled to tender for works allowed by para 11 above, without depositing and earnest money in case, however, the total estimated cost of one or more tenders of a contractor exceeds the amount by one hundred times of the general Security deposited by him, he will have to deposit along with any of such tenders, the difference of earnest money falling short of the required amount reckoned at the rate of 1% of the estimated cost of the works covered by such tenders as indicated in the tender notice. In this respect, a

General Security

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written statement furnished by the contractor with each tender, will be acceptable.

After acceptance of the tenders based on General Security, the contractor will have to deposit an initial security equivalent to 1% of the tender amount of the contract, within a period of one week of acceptance of the tender. After adjusting earnest money, if any, already deposited as specified above. The initial security will then form part of the security made out of usual 10% deduction from the running and final bills, for the executing of the specific work.

The refund of security so deposited and that deducted from the bills will be governed by the terms of the contract for the work.

- (4) In case a tender is accepted & the contractor fails to sign the contract and execute the work earnest money or the initial security referred to in the Rule 13 (3) shall be forfeited from his General Security or the amount deposited separately.
- (5) The authority competent to pass such orders may order recovery of any amount, due from a contractor in respect of any work By deduction from the general security. In all cases of recoveries from the general security the contractor shall deposit additional general security as to make up the amount mentioned in Appendix 'H' within one month of the date of receipt of intimation of deduction or recovery if the contractor fails to make such deposit his enlistment will be deemed to have come to an end.
- (6) The General security may be refunded to the contractor on the expiry of a period of 6 months from the removal of his name from the Register of classified contractors.

Technical Staff at
Site of work


Rule 14. (1) The contractor shall have to keep the staff at the site of work as per appendix 'C' attached.

- (2) If the contractor fails to comply with sub-rule (1) the Engineer-in-Charge of the work shall report the matter to the enlisting authority of the contractor who after giving the contractor such opportunity to explain as may be considered necessary order the removal of the Contractor's name from the Register of Classified Contractors. This may be in addition to any action which may be taken against the contractor in terms of his contract for the work.

Removal of contractors
name from Register of
classified Contractors

Rule 15. (1) The authority competent to enlist a contractor or any higher authority having jurisdiction may order removal of a contractor's name from the Register of enlisted contractors for the reasons to be mentioned in the order and communicated to the contractor. Before such order is passed the contractor shall be served with a show cause notice giving reasons for proposed removal and given a reasonable opportunity to explain, amongst other, the reasons may be-

- (i) Unsatisfactory execution after tender is accepted.
 - (ii) Failure to commence work when tender is accepted.
 - (iii) Failure to maintain required capital, technical staff machinery, tools and plants.
 - (iv) Failure to maintain the required amount of general security.
 - (v) Conviction of an offence involving moral turpitude.
 - (vi) Any other act which in the judgement of the authority competent to order the removal of the name from the list is or amounts to misconduct.
- (2) The officer ordering the removal will inform all authorities below his, who make a note to this effect against the name of the contractor in their register.
 - (3) Such order of removal unless passed by the Engineer in Chief/ Chief Engineer will not have effect in Circles not controlled by the authority the removal.


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Ordering
Appeal/Review

Rule 16. An applicant or enlisted contractor who feels aggrieved by any order passed under these rules, may file an appeal to the next higher authority within a period of one month of receipt of intimation of such order and the order passed by such authority after holding such enquiry so it may consider necessary, shall be final. Such appeals shall, ordinarily be disposed off within a period of two months.

Provided that no appeal shall lie against an order passed by the Engineer in Chief/Chief Engineer, however: the person aggrieved by the said order may apply to the Engineer-in-Chief/Chief Engineer for a review within the period specified above and the Engineer in Chief/Chief Engineer may pass any order considered suitable.

Register of
classified Contractor

Rule 17. (1) All authorities competent to enlist contractors and all Asstt. Engineers shall maintain a Register of classified contractors in forms mentioned in Appendix I, Separate register will be maintain for different categories. Under each category Separate papers will be allotted for contractors of different classes.

(2) In this register names of the contractors will be entered under the class in which the contractor is ordered to be enlist either by the authority maintaining the Register or by any higher authority having jurisdiction.

For this purpose orders of enlistment, which have become final after deposit of general security shall be communicated by the authority concerned to all officer below him.

Certificate of
Enlistment

Rule 18. (1) The authority competent to enlist a contractor to a particular class will issue a certificate of enlistment to the contractor in the form mentioned in Appendix 'J' after the order of enlistment has become final on deposit of general security.

(2) The enlistment will be valid for period of three years and the year will be reckoned from 1st July to 30th June .

(3) Atleast two months before the expiry of certificate the contractor will apply for renewal of the certificate to the authority competent to enlist a contractor of that class and having jurisdiction in the form mentioned in Appendix 'K' the authority concerned will then issue a fresh certificate of enlistment valid till the end of the next three years.

(4) Duplicate certificate of registration may be issued in case where they are lost or destroyed due to an accident or any other valid reason. The application for a duplicate copy should be presented within a week from the date on which it has been lost. The following fee will be charged for the issue of the duplicate copies.

	Rs.
A class contractors	25/-
B class contractors	20/-
C class contractors	15/-
D class contractors	10/-

(5) In case of a firms and private and public limited companies, as individual should be authorised to deal with the department on their behalf on production of power of Attorney.

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APPENDIX 'A'

(Rule 2-1)

Contractors enlisted in a particular class will be entitled to tender for works of value not exceeding the amount mentioned below :


Categories	Class A	Class B	Class C	Class D
I. (i) Buildings (ii) Bridges (iii) Roads.	Up to any amount	Rs. 15 Lakhs	Rs. 5.0 Lakhs.	Rs. 2.00 Lakhs.
II. Sanitation and Water Supply	-do-	Rs. 0.50 Lakhs.	Rs. 0.10 Lakhs.	-
III. Electrical Works	-do-	Rs. 1.00 Lakhs.	Rs. 0.20 Lakhs.	-
IV. Mechanical Works	-do-	-do-	-do-	Rs. 0.05 Lakhs.

APPENDIX 'B'

(Rule 4)

Minimum solvency required for enlistment in each class :


Categories	Class A	Class B	Class C	Class D
I. (i) Buildings (ii) Bridges (iii) Roads	Rs.3.0 Lacs.	Rs. 2.0 Lacs.	Rs. 1.0 Lacs.	Rs. 0.50 Lacs.
II. Sanitation and water supply	Rs. 0.25 lacs	Rs. 0.15 lacs.	Rs. 0.05 lacs.	-
III. Electrical works	Rs. 1.00 Lacs.	Rs. 0.25 Lacs.	Rs. 0.05 Lacs.	-
IV. Mechanical works	-do-	-do-	-do-	-


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APPENDIX 'C'
(Rule 4)

Minimum technical staff required for enlistment in each class.

Category	Class A	Class B	Class C	Class D
I. (i) Building	One Degree Holder of Civil Engineering	One Diploma Holder of Civil Engineering	One Diploma Holder of Civil Engineering.	.....
(ii) Bridges				.....
(iii) Roads				.....
II. Sanitation and water Supply	One Degree Holder of Civil Engineering & a Licensed plumber.	One Diploma Holder of Civil Engineering & a Licensed plumber	One Diploma Holder of Civil Engineering & a Licensed plumber.	.....
III. Electrical Works	One Diploma Holder in Electrical Engineering & a Licensed Electrician.	One Licensed Electrician	One Electrician.	.....
IV. Mechanical works	One diploma Holder in Mech. Engineering & a mechanic qualified from I.T.I. or with equivalent qualification.	One mechanic qualified from some I.T.I., or with equivalent qualifications	One mechanic qualified from some I.T.I. or with equivalent qualification.	One mechanic trained in work shop.


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APPENDIX 'D'

(Rule 4)

Minimum Machinery tools and plants required for enlistment in each class.

Sl.No.	Name of equipment	Class A	Class B	Class C
1.	Concrete Mixers	2	1	1
2.	Vibrators	3	2	1
3.	Pumps	Pin-2	Pin-1Pin	-
4.	Grinding Mill (for buildings)	2	1	1
5.	Diesel winches 65 ton capacity (for bridges only)	2	1	-
6.	Excavating grabs (1/2 to 1 Cum.) (capacity for bridge only)	4	2	-
7.	Diesel Generating Sets 25 K.W. (for bridges only)	1	-	-
8.	Tractors (for roads only)	1	-	-
9.	Sheepfoot Rollers (for roads only)	2	1	-

Desirable qualifications :

1. Owning Brick Kilns
2. Owning transport.
3. Owning quarries.

Note : Ordinarily the enlistment shall be for all the three trades, but in case a contractor wants to take a work in a specific trade, he will have to arrange all the T and P required for completion of that trade as categorised above.

Category II : Sanitation and water supply :

Equipment as required for proper completion of work.

Category III : Electrical Works :

Equipment as required for proper completion work, provided always no enlistment shall be made for a person or party who does not hold a valid license from the Chief Electrical Inspector under Indian Electricity Rules for execution of electrical works, the contractors who hold a valid license of Category 'A' from the Chief Electrical Inspector will be enlisted in 'A' class and those who hold the license of 'B' category will be enlisted in 'B' and 'C' class.

Category IV-I: Mechanical works :


In general the contractors applying enlistment under class 'A', 'B' and 'C' will be required to possess Garage tools and approved by the Transport Commissioner, U.P. for A, B, and C Type garages respectively. The authority competent to enlist the contractors, however, have the discretion to make necessary modifications therein.

APPENDIX 'E'

(Rule 4)

Minimum value of each of the five works that should have been executed satisfactorily for enlistment in each class :

Categories	Class A	Class B	Class C	Class D
I. (i) Buildings	Rs. 10.00 Lacs.	Rs. 5.00 Lacs.	Rs. 1.00 Lacs.	Rs. 0.25 Lacs.
(ii) Bridges				
(iii) Roads				
II. Sanitation and water supply	Rs. 0.25 lacs	Rs. 0.05 lacs.	Rs. 0.02 lacs.	-
III. Electrical works	-	-	-	-
IV. Mechanical works	Rs. 0.25 lacs	Rs. 0.05 lacs.	Rs. 0.02 lacs.	-


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APPENDIX-'F'

Rule 9-(1)p

Application for enlistment as a Contractor in the Public Works Department Uttarakhand

Date.....day of20.....

To,

.....
.....

Sir,

I,We have the honor to apply for enlistment as class.....


Contractor in Lok Nirman Vibhag, U.K. for category.....

2- A sum ofbeing the fee in respect of this application has
been deposited in the Treasury and the Receipt,
No.....Dated..... is enclosed.

3- The required particulars are given below.

PARTICULARS

- 1- (a) Name of the applicant individual/Firm/
Company
- (b) Address of the individual Firm/Co.
- (c) Telegraphic addresses and telephone no.
If any
- 2- Nationality of the individual, place of registration
If corporation or firm of company
(Attested copies of deeds or records of
association are to be enclosed).
- 3- Profession of individual or nature of
business of firm or company & place of business.
- 4- Whether enrolled as a member of any builders
association. If so, name of the association
and the date of enrolment.
- 5- Name of persons holding the power of
attorney (attested copy of power of
attorney to be enclosed).
- 6- Name of partners with their respective
shares in the firms (copy of partnership
deeds to be enclosed only in case of partnership firms).
- 7- (a) Name of bankers and full address.
(b) In case of limited liability companies,
Copy of last balance sheet duly audited
should be attached.
(c) Particulars of immovable properties with
their market value attach
Certificate from Deputy Commissioner/Collector.
- 8- Area in which the contractor wants to work


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- 9- List of works executed giving
- (a) Name of work
- (b) Amount of works executed
- (c) Year of execution
- (d) Authority under which carried out (to be shown on separate statement).
Original or attested copies of certificate if any, may be enclosed.
- 10- Resources of contractors
- (a) Details of technical staff employed with technical qualification and experience
- (b) Details of tools and plants, machinery, Transport, etc.
- (c) Detail of workshop if any with location.
- 11- Whether the applicant is Diploma holder, qualified civil or Electrical Engineer or has any other technical qualification (attested copy of the Diploma or degree to be attached.
- 12-(a) Whether the applicant is already enlist in P.W.D. If also in which class and category
- (b) Whether enlisted with any other department if so, in which class and category showing amount up to which qualified tenderer.
- 13-Whether the applicant is a share holder of any firm enlisted in this department or any other department giving full details.....
- 14-(a) How many years has the applicant's organization been in business as a General Contractor under the present business name.....
- (b) Have the applicant ever failed to execute any work awarded to him. If so, where and why.

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CERTIFICATE

- 1- I/We certify that I/We will not get myself/ourselves registered as contractors (in the Lok Nirman Vibhag) under more than one name.
- 2- I/We agree to notify the officer accepting this application and enlisting my/our name on the Lok Nirman Vibhag's list of any changes in the forgoing particulars as they occur and to verify and confirm these particulars.
- 3- I/We certify that the above particulars are correct and that should have been. If/We have given a false certificate of that if I/We failed to notify the fact of my/our name is liable to be removed from the Lok Nirman Vibhag's list of contractors and any contract that I/We may be holding at the time is liable to be rescinded.

Signature of the applicant and address

Important Notes-

- 1- All relevant certificates should be attached with the application.
- 2- Application for enlistment in Building and Roads, Sanitary and Water supply and Electrical should be submitted on separate forms.
- 3- Income tax clearance certificate for the last assessment year should be sent along with the application. Without income tax clearance the enlistment will not be considered.


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(Rule 10)
Officer authorised to enlist

Categories	Class A	Class B	Class C	Class D
I. (i) Buildings	Engineer in-chief Chief Engineer Zones	Chief Engineer of Zones	Superintending Engineer	Executive Engineer
(ii) Bridges	- do -	Superintending Engineer	Executive Engineer	.....
(iii) Roads	- do -	- do -	- do -	.....
II. Sanitation and water Supply	- do -	- do -	- do -	Executive Engineer
III. Electrical Works	- do -	- do -	- do -	.....
IV. Mechanical works	- do -	- do -	- do -	Executive Engineer

APPENDIX 'H'
(Rule 13)
General Security

Category	Class A	Class B	Class C	Class D
I. (i) Buildings	Amount in pledged to 50000 Chief Engineer	Amount in pledged to 20000 Chief Engineer	Amount in pledged to 7500 Superintending Engineer	Amount in pledged to 2500 Executive Engineer
(ii) Bridges	- do -	- do -	- do -	- do -
(iii) Roads	2000	1000	500	.....
II. Sanitation and water Supply	- do -	Superintending Engineer	Executive Engineer	.....
III. Electrical Works	20000	- do - E/M	2000	- do - E/M
IV. Mechanical works	- do -	- do -	- do -	1000 Executive Engineer E/M

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APPENDIX 'I'

Rule 17 - (1)

Category : Building/Bridge/Roads/Sanitation.
Electrical/Mechanical Works

Supply/

Sl. No.	Name of Contractor	Full Address	Reference to number and date and authority passing orders of enlistment	Full Signatures of officer maintain- ing the register	Reference to no. and date order and authority passing the order for removing name of the contractor	Signature of officer maintain- ing the register	Remarks
1	2	3	4	5	6	7	8

APPENDIX 'J'

Rule 18-(1)

Certificate of Enlistment

Dated.....

Certified that Sri/Sarvasri
address is are enlisted as a
Class contractor in the Rural Engineering Service/P.W.D.U.P. for.....

Category :

This certificate is valid for the
and shall expire (mention area i.e. State/Circle/Division) on
30th June, 19

Signature of enlisting office
with Seal

APPENDIX 'K'

Rule 18-(3)

APPLICATION OF RENEWAL OF CERTIFICATE OF ENLISTMENT

To,

.....
.....


Sr,

I/We hereby apply for the renewal of my/our certificate of enlistment dated.. as a
class..contractor of..which expires..on 30th June 19..

2. It is hereby declared that I/We still possess the solvency, machinery, tools and plants
and employ the technical staff required for enlistments above and that I/We am/are otherwise
also qualified for such enlistment.

3. It is understood that the enlistment is liable to be cancelled if the above declaration is
and to be wrong.

Sd -..
Applicant.


प्रशासनिक अधिकारी
कार्यालय प्रमुख अभियन्ता एवं विभागाध्यक्ष
लोक निर्माण विभाग, उत्तराखण्ड
देहरादून