

No. XI)

APPENDICES

APPENDIX XI,

PROCEDURE TO BE FOLLOWED IN THE CASE OF EMERGENT WORKS

(Vide paragraph 177 of this Code.)

Subject to clause 4 below, where an emergent work is done through a contractor or a piece-worker, a piece-work agreement should be entered into with him by the officer on the spot before work starts. This form of agreement is particularly suitable, as it is terminable in case the higher authorities, who are competent to sanction the proper agreement in the standard form in the particular case, disapprove of any of the terms. When the circumstances are so emergent that even a piece-work agreement cannot be signed, it will be sufficient to have a written order for the work signed by both the piece-worker or the contractor and the officer on the spot as indicated in clauses 2 and 3 below.

2. If the Local Public Works Department Official is unable to leave the spot to enrol labour, he will probably have to engage it through a contractor or piece-worker *vide* paragraph 292, Tamil Nadu Public Works Account Code. In such a case a written work order, which need not necessarily be on the printed form, should be signed on the lines indicated below:—

Breach at Kilometre 21/1, Main canal.

Agreement to supply daily so long as the Subdivisional Officer or his duly authorised representative may require:—

100 men (working 9 hours a day) at Rs. P. a day

40 women (working 9 hours a day) at Rs. P. a day

N. B.—Tools will be supplied departmentally contractors profit at 10 per cent on cost of labour.

(Signed) A. B.,
P. W. Officer.

(Signed) C. D.,
Contractor /

Dated _____

3. When the emergent work is to be carried out by a piece-worker or a contractor and not departmentally by labour engaged through a contractor, a manuscript work order should be signed in the first instance as indicated below:—

Breach at kilometre 21/1, Main canal.

Agreement to carry on the work at the following rates until terminated by the Subdivisional Officer or his duly authorised representative:—

Earthwork—Closing breach including breaking clods and ramming in 20 cm. layers; initial rate. Per 1 M3.

Extra lift (average 3 metres)

Extra lead (average 30 metres)

Total

(Signed) A. B.

Signed) C.D.,

P W, Officer.

Contractor /

Dated

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These work orders may be written in a note-book or on any available sheet of paper, but should no paper be available at the moment, the work may be started without it, but the order should be signed as soon as paper can be procured.

4. The object of these rules is to explain in what manner local officers and subordinates should meet their responsibilities in emergent cases under paragraph 173. It is however most important that the first agreement shall not commit Government to any expenditure beyond what has to be incurred in an emergency at the discretion of the local officer and it is for this reason that the first agreement shall be only of the nature of a piece-work agreement. Ordinarily, such agreements should be signed only by officers not below the rank of a Subdivisional Officer, as those below that rank have no powers to sanction any works and cannot consequently accept agreement, but in works of exceptional emergency, a Subordinate Officer may give a work order when, for example, the Subdivisional Officer is absent. Such action should, however, be reported as soon as practicable to the Subdivisional Officer or other senior officer, if possible by telegraph.

5. When steps as indicated in the preceding paragraphs have been taken to meet the emergency and the work has been started, there should be no avoidable delay in preparing a proper estimate and an agreement in the standard form and in obtaining the sanction of the competent authority. The rates agreed to in the emergency in accordance with the procedure indicated in the above paragraph cannot be revised by a higher authority for the portion of the work already done. There should be also no avoidable delay in liquidating a liability already incurred—vide Article 38 of Tamil Nadu Financial Code, Volume I and paragraph 363 of the Tamil Nadu Public Works Account Code.

6. In cases of real emergency and subject to the foregoing provisions, officers are empowered to pay such higher rates, as compared with normal, rates, as may be found absolutely necessary. Care should, however, be taken to see that the emergency rates are suitable to the circumstances and are not higher than are really necessary to get the emergent work done.