

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

WP(C).No. 19694 of 2015 (J)

PETITIONER:

JANASEVA LABOUR CONTRACT CO-OPERATIVE
SOCIETY LTD. NO.D 3035, OLAVANNA P.O,
KOZHIKODE DISTRICT-673 019
REP. BY ITS SECRETARY.

BY ADVS.SRI.SUNIL V.MOHAMMED
SRI.RENJITH B.MARAR
SMT.LAKSHMI.N.KAIMAL

RESPONDENTS:

1. THE STATE OF KERALA
REP. BY THE SECRETARY TO PORTS,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE DIRECTOR OF PORTS,
VALIYATHURA, VALLAKADAVU P.O.,
THIRUVANANTHAPURAM - 695 008.
3. THE PORT OFFICER, BEYPORE PORT,
BEYPORE, KOZHIKODE - 673 015.
4. THE SENIOR PORT CONSERVATOR,
BEYPORE PORT, BEYPORE,
KOZHIKODE DISTRICT-673 015.

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 19694 of 2015 (J)

PETITIONER'S EXHIBITS:

EXT. P1 - TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF THE PETITIONER SOCIETY ISSUED BY THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), KOZHIKODE.

EXT. P2 - TRUE COPY OF THE PROCEEDINGS DATED 14.10.2014 OF THE 4TH RESPONDENT.

EXT. P3 - TRUE COPY OF THE CONDITIONS ATTACHED TO THE TENDER FORM.

EXT. P4 - TRUE COPY OF THE MINUTES OF THE PROCEEDINGS DATED 21.01.2015 OF THE TENDR EVALUATION COMMITTEE.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.19694 of 2015 J

Dated this the 31st day of July, 2015

JUDGMENT

The petitioner, a Labour Contract Society, is an association of labourers engaged in the traditional drudging and sand mining, confining its activities to Olavanna, Feroke and Beypore Panchayats.

2. Aggrieved by what is said to be a unilateral decision in Exhibit P4 by the Tender Evaluation Committee not to include the petitioner society in the rank list prepared for dredging at Beypore Port for the period 2014-15, the petitioner has filed the present writ petition.

3. Having elaborately submitted on the merits of the matter, the learned counsel for the petitioner has eventually submitted that the petitioner has been disqualified in the light of clause F(5) of Exhibit R4(a) Government Order.

According to the learned counsel, apart from cryptically stating in Exhibit P2 that the petitioner has been disqualified, the authorities have not supplied any specific reasons concerning the alleged violation on the part of the petitioner society. In that context, the learned counsel would contend that since the issue has been pending before the first respondent, the petitioner may be given opportunity to raise all the issues and defend itself concerning the disqualification.

4. The learned Government Pleader, on his part, has submitted that the petitioner is at liberty to raise all contentions before the first respondent, who will consider them in accordance with law.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader, the writ petition is disposed of with a direction to the first

respondent to consider the issue of petitioner's disqualification after affording an opportunity of hearing to the petitioner and pass appropriate orders thereon, as expeditiously as possible, in terms of Condition No.10 in Exhibit R4(a) Government Order.

sd/- Dama Seshadri Naidu, Judge

tkv