

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No. 29972 of 2015 (V)

PETITIONER :

**JACOB.T.K., AGED 60 YEARS,
S/O.KUNJUJU, JACOB'S CATERERS, T.C.12/179,
MULAVANA JUNCTION, KUNNUKUZHY, VANCHIYOOR.P.O.,
THIRUVANANTHAPURAM - 695 035.**

**BY ADVS.SRI.NAIR AJAY KRISHNAN
SRI.R.T.PRADEEP
SMT.M.BINDUDAS**

RESPONDENT(S):

- 1. INSTITUTE OF MANAGEMENT IN GOVERNMENT (IMG),
REPRESENTED BY ITS SECRETARY, VIKAS BHAVAN.P.O.,
THIRUVANANTHAPURAM - 695 033.**
- 2. CHIEF SECRETARY/PRESIDENT,
INSTITUTE OF MANAGEMENT IN GOVERNMENT (IMG),
VIKAS BHAVAN.P.O., THIRUVANANTHAPURAM - 695 033.**
- 3. INDIAN RAILWAY CATERING & TOURISM CORPORATION LTD.(IRCTC),
REPRESENTED BY ITS AREA MANAGER, AREA OFFICE,
TRIVANDRUM CENTRAL RAILWAY STATION,
THIRUVANANTHAPURAM - 695 001.**
- 4. GEORGE,
FRIENDS OF KOVALAM ASOKA STAFF SERVICES (FOKASS),
NANTHENCODE, KOWDIAR.P.O.,
THIRUVANANTHAPURAM - 695 003.**

**R1 BY SRI.K.ANAND,SENIOR ADVOCATE
ADV. SMT.LATHA ANAND
R2 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).No. 29972 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF CERTIFICATE ISSUED TO PETITIONER IN THIS REGARD WHICH IS NIL DATED.
- EXT.P2: TRUE COPY OF TENDER NOTICE DATED 6.8.2015 PUBLISHED IN MALAYALA MANORAMA DAILY.
- EXT.P3: TRUE COPY OF TENDER DOCUMENT NIL DATED.
- EXT.P4: TRUE COPY OF COMMERCIAL BID SUBMITTED BY PETITIONER.
- EXT.P5: TRUE COPY OF REPRESENTATION DATED 29.9.2015 BEFORE THE GOVT. OF KERALA.
- EXT.P6: TRUE COPY OF NOTICE DATED 30.9.2015 TO 3RD RESPONDENT.
- EXT.P7: TRUE COPY OF NOTICE DATED 30.9.2015 IN THIS REGARD BY 1ST RESPONDENT.
- EXT.P8: TRUE COPY OF THE NOTICE DATED 30/9/2015 ISSUED BY INSPECTION WING OF FINANCE DEPARTMENT.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 29972 of 2015

Dated this the 15th day of October, 2015

J U D G M E N T

This matter pertains to the running of a canteen at the premises of the Institute of Management in Government (IMG). The petitioner, the 3rd respondent and the 4th respondent have taken part in the tender process. The petitioner challenges the award of contract to the 4th respondent.

2. The petitioner's essential argument is based on the fact that the 4th respondent is technically disqualified and the petitioner was not invited for negotiation to reduce the price offered by him. It is submitted that he could have made a better offer than the 4th respondent. It is also seen that the petitioner approached the Chief Secretary/ President of the IMG and as seen from Ext.P8 an enquiry has now been ordered by the Chief Secretary.

3. This Court is of the view that the Chief Secretary being the President of the 1st respondent shall take appropriate decision in the matter within a period of two weeks from the date of receipt of a copy of this judgment. Till a decision is taken by

the Chief Secretary, temporary arrangement can be made by the 1st respondent either engaging 4th respondent or any other persons including the petitioner.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/