

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09.07.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.14158 and 14159 of 2015
and

M.P.Nos.1+1, 2+2 and 3+3 of 2015

1. P.Govindan ... Petitioner in W.P.No.14158/15
2. Smt.G.Vijayalakshmi ... Petitioner in W.P.No.14159/15

Versus

- 1 The Managing Director
State Express Transport Corporation
Pallavan Salai Chennai-2
- 2 The General Manager
(Technical) State Express Transport
Corporation Pallavan Salai Chennai-2
- 3 The Deputy Manager
(Technical) State Express Transport
Corporation Pallavan Salai Chennai-2
- 4 M/s.C.D.M.P.Agency
No.56A SMBS Building
Vasudevan Nagar
Jaffer Khanpet Chennai-83 ... Respondents in both W.Ps.

Prayer in both W.Ps.: These Writ Petitions are filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, calling for the records relevant to the order in Order No.20007/M5/ Tho. Nu/A.V.Po. Ka/ 15 dated 28.4.2015 passed by the 3rd respondent and quash the same as illegal improper arbitrary against the rule of law and thereby direct the respondents 1 to 3 to grant the work order to the petitioners or call for fresh tender for cleaning of the respondents 1 to 3 transport corporation buses.

For Petitioners: Mr.C.Selvaraju, Sr. Counsel
in both W.Ps. For Mr.M.V.Muralidaran

For Respondents : Mr.P.Paramasivados (for R1 to R3)
in both W.Ps. No appearance (for R4)

C O M M O N O R D E R

By consent, both the writ petitions are taken up for final disposal and as the facts pleaded and the submissions made are one and the same, these writ petitions are disposed of by a common order.

2. The petitioner in W.P.No.14158 of 2015, would state that he was declared as a successful bidder in respect of the tender floated for cleaning /washing the buses on daily basis for the period between 01.04.2013 and 31.03.2015. According to the petitioner, he has discharged his contractual obligation in fair and proper manner. A publication was effected on 28.02.2015 in tamil newspaper daily calling for fresh tenders for the very same purpose and the last date for submitting the filled up application was fixed on 20.03.2015 upto 3 'O' clock.

3. The petitioner would further state that inspite of his repeated efforts the respondents failed to furnish tender applications and with great difficulty, he got the same and he submitted his filled up application on 19.03.2015, before the period of expiry and on 20.03.2015, the sealed covers are opened and the application submitted by the petitioner was rejected without assigning any reason. The petitioner also came to know that tender submitted by the 4th respondent was declared as successful and he has been awarded the contract and challenging the legality of awarding tender in favour of 4th respondent, the petitioner has filed this writ petition.

4. The petitioner in W.P.No.14159 of 2015, made similar averments as that of the petitioner in W.P.No.14158 of 2015 and she also challenges the impugned order, awarding contract in favour of the 4th respondent.

5. Heard the submissions of Mr.C.Selvaraj, learned senior counsel appearing for the petitioners, who would submit that both the writ petitioners, challenging the award of tender in favour of the 4th respondent, have filed appeals under Section 11 of the Tamil Nadu Transparency in Tenders Act, before the appellate authority and it would be suffice to direct the appellate authority to dispose of the appeals within the

stipulated time frame.

6. The Court heard the submissions of Mr. Paramasivados, learned standing counsel, who accepts notice on behalf of respondents 1 to 3.

7. This Court, in the light of the submissions made by the learned senior counsel appearing for the petitioners and without going into the merits of the contentions put forth by the petitioners in these writ petitions, directs the appellate authority viz., Government of Tamilnadu, rep. by its Secretary to Government, Tamilnadu State Transport Corporation, Fort St. George, Secretariat, Chennai - 9, to dispose of the appeal petitions submitted by the petitioners in accordance with law, after putting on notice the 4th respondent herein and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners as well as to the 4th respondents.

8. The writ petitions are disposed of, accordingly. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

- 1 The Managing Director
State Express Transport Corporation
Pallavan Salai Chennai-2
- 2 The General Manager
(Technical) State Express Transport
Corporation Pallavan Salai Chennai-2
- 3 The Deputy Manager
(Technical) State Express Transport
Corporation Pallavan Salai Chennai-2

4.The Secretary to Government/Appellate Authority,
Tamilnadu State Transport Corporation,
Fort St. George, Secretariat, Chennai - 9.

2 cc to Mr. .M.V.Muralidaran, Advocate Sr.No.34645, 34643
1 cc to Mr.P.Paramasivadoss , Advocate Sr.No.35292

W.P.Nos.14158 and 14159 of 2015

vsn(co)
pmk.22.7.2015



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