

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 30-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.19065 OF 2015

G.Saravanan

...

Petitioner

-vs-

1.The General Manager(T.N),  
Food Corporation of India,  
No.8, Mayor Sathyamoorthy Road,  
Chetpet,  
Chennai-31.

2.The Managing Director,  
Tamil Nadu Civil Supplies Corporation,  
Tambusamy Street,  
Kilpauk,  
Chennai-10.

...

Respondents

Writ Petition has been filed, praying for issuance of a writ of mandamus, directing the second respondent furnish the tender schedules and permit the petitioner to participate in the tenders to be conducted by the second respondent from 03.07.2015 to 10.07.2015 as per publication made in Dinamani Newspaper, dated 18.06.2015 in MD9/11777/2015, dated Nil, published by the second respondent.

For petitioner : Mr.C.Prakasam

For respondents : Mr.L.P.Shanmugasundaram,  
Special Government Pleader.

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner, aggrieved over the act of the second respondent in not issuing tender form for appointment of Transport Contractor in connection with the tender notification No.MD9/11777/2015, dated Nil, published by the second respondent in Dinamani Newspaper, dated 18.06.2015, has approached this Court by filing this Writ Petition.

3. Learned counsel appearing for the petitioner would submit that the second respondent seems to have placed reliance upon an order of the Food Corporation of India, Regional Office, Chennai-31, dated 23.10.2013, wherein, among other things, it is stated that the contract of the petitioner was terminated with

effect from 17.05.2012, and further that the petitioner was also debarred for a period of five years.

4. It is the further submission of the learned counsel for the petitioner that the said order has been put to challenge in W.P.No.30781 of 2013 before this Court and the said writ petition was entertained and the interim stay of the operation of the said order was also granted on 13.11.2013, which interim order still subsists, and, therefore, there cannot be impediment for the second respondent to issue tender form, relating to the above said notification, to the petitioner.

5. Per contra, Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who accepts notice on behalf of the respondents, would submit that the petitioner has been blacklisted by the order of the Food Corporation of India, dated 23.10.2013, and, therefore, he has not been issued with the application, relating to the tender notification.

6. This Court has considered the rival submissions and also perused the materials placed before it.

7. No doubt, the Food Corporation of India, vide its order, dated 23.10.2013, has debarred the petitioner from participating in any of its future tenders for a period of five years. However, the said order has been put to challenge in W.P.No.30781 of 2013, wherein, the operation of the said order has been stayed by this Court and, according to the learned counsel for the petitioner, the interim order granted by this Court in the said writ petition, is still in force.

8. It is to be pointed out, at this stage, that the second respondent, namely, Tamil Nadu Civil Supplies Corporation, has not blacklisted the petitioner, and, therefore, there cannot be any impediment on its part to issue the application form in connection with the abovesaid notification, and also, as and when the petitioner submits his application for participating in the tender, it is always open to the second respondent to consider the said application in accordance with the relevant norms and regulations.

9. In the light of the above facts and circumstances of the case, the second respondent is directed to issue the tender form in connection with the notification, dated 18.06.2015, to the petitioner, forthwith.

10. Writ Petition is disposed of with the above observation. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

Sd/-  
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The General Manager (T.N),  
Food Corporation of India,  
No.8, Mayor Sathyamoorthy Road,  
Chetpet,  
Chennai-31.

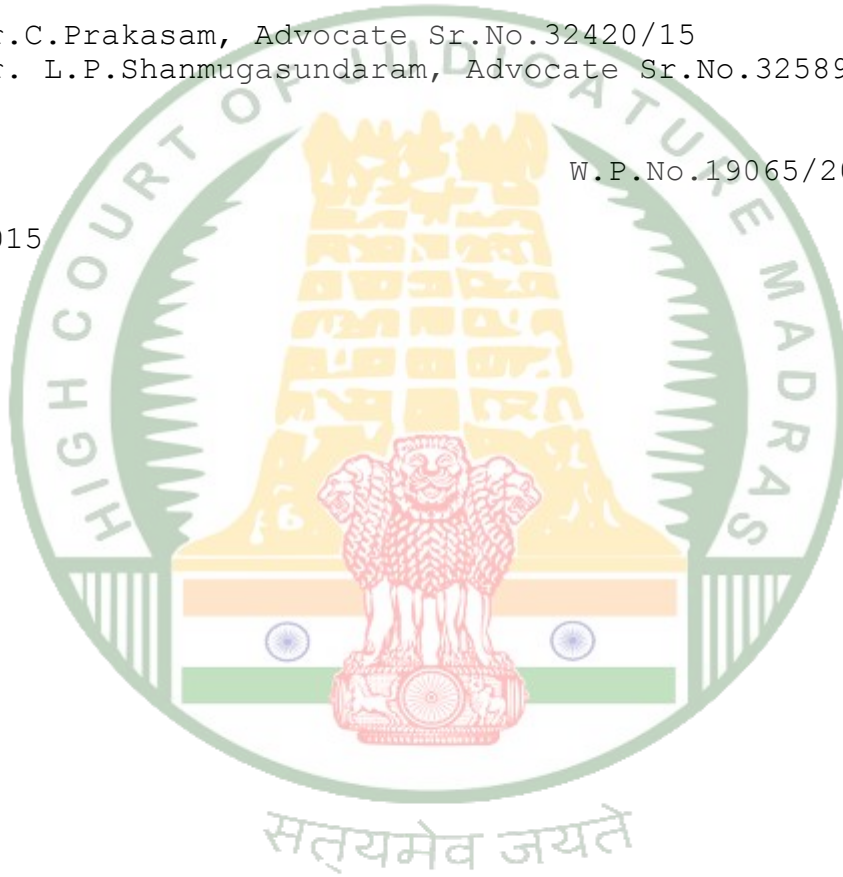
2.The Managing Director,  
Tamil Nadu Civil Supplies Corporation,  
Tambusamy Street,  
Kilpauk,  
Chennai-10.

1 cc to Mr.C.Prakasam, Advocate Sr.No.32420/15

1 cc to Mr. L.P.Shanmugasundaram, Advocate Sr.No.32589/15

W.P.No.19065/2015

pmk.1.7.2015



WEB COPY