

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.20833 of 2015

and

M.P.No.1 of 2015

P.Vinayagam

.. Petitioner

vs

1. The Tamil Nadu Civil Supplies
Corporation

Rep. By its Managing Director
No.12, Thambusamy Street
Kilpauk, Chennai 600 010

2. The Regional Manager
Tamil Nadu Civil Supplies Corporation
Kancheepuram Region
Kancheepuram

3. N.Kumaresan

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to disqualify the third respondent and not to award the contract for transportation of food grains to the third respondent for Kancheepuram Region for the period from 1.7.2015 to 30.6.2017 pursuant to the notice inviting tender by the respondents for the said period.

For Petitioner

: Mr.AR.L.Sundaresan
Senior Counsel
for Mrs.AL.Ganthimathi

For Respondents

: Mr.L.P.Shanmugasundaram
Special Government Pleader
for RR1 & 2

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that he is is a Transport Contractor for the past 20 years, having undertaken contracts for transportation of food grains for the Tamil Nadu Civil Supplies Corporation in Vellore and Kancheepuram Regions and so far, there are no adverse remarks against him with regard to the performance of his work. The petitioner would further state that for the period between 1.7.2015 and 30.6.2017, tender notification has been issued and as per Clause (ix), the existing contractor should produce satisfactory certificate of performance from the concerned Senior Regional Manager/Regional Manager and the tenderer is not eligible to participate in the tender for any region, if any one of the Senior Regional Manager/Regional Managers of that Region does not give satisfactory certificate due to poor performance or brought to adverse notice on account of the inability to move the stocks as ordered by the said Corporation, and as per Clause (xi), if the tenderer is blacklisted/debarred either by the Tamil Nadu Civil Supplies Corporation or other Public Limited Companies/Government of Tamilnadu/Government of India, the tenderer is ineligible to participate in the tender and so also the spouse and family members. It is the case of the petitioner that the third respondent is not having a good conduct and he has been found guilty of fabrication and forgery of documents with regard to the RC Book, which was submitted by him in the year 2009-2010, in respect of Tirunelveli Region.

3.According to the petitioner, one of the bidders viz. Poovammal, filed W.P.(MD) No.11354/2015 before the Madurai Bench of this Court seeking a direction to the first respondent to take appropriate action on her representation, and also prayed for action against the third respondent, and vide order dated 6.7.2015, the Court directed the first respondent to dispose of her representation in accordance with law, within a stipulated time, and the petitioner similarly submitted a representation dated 7.7.2015, to the first respondent and since no orders have been passed, came forward to file this writ petition.

4.Heard the submissions of Mr.AR.L.Sundaresan, learned Senior Counsel, appearing for the petitioner, who would submit that the third respondent has produced a bogus Registration Certificate pertaining to a condemned vehicle, and in the light of his conduct, he has been disqualified from participating in the tender and the Madurai Bench of this Court has also passed an order in the above cited case, and directed the first respondent to consider the similar view expressed by the petitioner therein viz. Tmt.Poovammal, and hence, prays for appropriate orders.

5.The Court heard the submissions of Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who accepted notice on behalf of the respondents 1 and 2, also.

6. Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the first respondent to consider and dispose of the petitioner's representation dated 7.7.2015, in accordance with law, after putting on notice, the third respondent, within a period of three weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the third respondent. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

nsv

s/d-

Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

To:

1. The Managing Director
Tamil Nadu Civil Supplies
Corporation
No.12, Thambusamy Street
Kilpauk, Chennai 600 010
2. The Regional Manager
Tamil Nadu Civil Supplies Corporation
Kancheepuram Region
Kancheepuram

+ 2 ccs to M/s.AL.Ganthimathi, Advocate SR 35617

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prk15/7

सत्यमेव जयते

W.P.No.20833 of 2015

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