

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.23211 of 2015

and

M.P.No.1 of 2015

Sri Krishna Lorry Service
Fleet Owners & Transport Contractors,
Represented by its Proprietor,
Mohan

...Petitioner

-Vs-

1. The Government of India,
Represented by its Secretary,
Department of Fertilizers,
Room No.22A Wing,
Shastri Bhavan,
New Delhi.
2. The Central Vigilance Commission,
Government of India,
Saterkata Bhavan,
CPO Complex, Block A INA,
New Delhi-110 023.
3. The General Manager,
Marketing & Distribution,
M/s.Madras Fertilizer Ltd.,
Manali, Chennai-600 068.
4. The Chairman & Managing Director,
M/s.Madras Fertilizer Ltd.,
Manali,
Chennai-600 068.
5. The Chief Vigilance Officer,
M/s.Madras Fertilizer Ltd.,
Manali, Chennai-600 068.

6. SKLS Lorry Service,
No.1/40, Pulli Line Village,
Byepass Road,
Redhills,
Chennai-600 052.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 5 to consider the representation of the petitioner dated 27.07.2015 by ordering public auction for the Transport Contract to the year 2015-2016 to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.M.Arvind Kumar,
Senior Panel Counsel for R1 and R2

O R D E R

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

2. The petitioner claims to be the fleet owner and transport contractor and on an earlier occasion, he has submitted a representation dated 18.08.2014 to the respondents herein with regard to the tender for road transport contract for the year 2014-2015, stating among other things that the conditions in the tender were formulated to oblige the two transporters, namely Chottanikarai Amman Transport and SKLS lorry service/sixth respondent herein and the bid of Chottanikarai Amman Transport has been rejected and the sixth respondent has been awarded contract and since there are illegalities and irregularities involved, prayed for their intervention. The grievance expressed by the petitioner is that the respondents 3 and 4, without going for issuance of fresh tender, are making attempts to renew the contract in favour of the sixth respondent and in this regard, it has submitted a representation dated 27.07.2015 to the fourth respondent and though it was received and acknowledged, the respondents 3 and 4 are proceeding further to extend the contract in favour of the sixth respondent for one more year and hence, came forward to file this writ petition.

3. Mr.R.Sankarasubbu, learned counsel appearing for the petitioner would submit that even in respect of last year, when tender was floated, the conditions were tailor-made to suit the

convenience of the sixth respondent and the respondents 3 and 4, without exhibiting transparency, are taking efforts to renew the contract in favour of the sixth respondent and hence, prays for appropriate orders.

4. Heard the submissions of Mr.M.Arvind Kumar, learned Standing Counsel, who accepts notice on behalf of the respondents 1 and 2.

5. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, directs the first respondent to consider and dispose of the petitioners' representation dated 27.07.2015, after putting on notice the sixth respondent and pass orders in accordance with law on or before 3.08.2015 and communicate the decision taken, to the petitioner as well as the sixth respondent.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Secretary,
The Government of India,
Department of Fertilizers,
Room No.22A Wing,
Shastri Bhavan,
New Delhi.

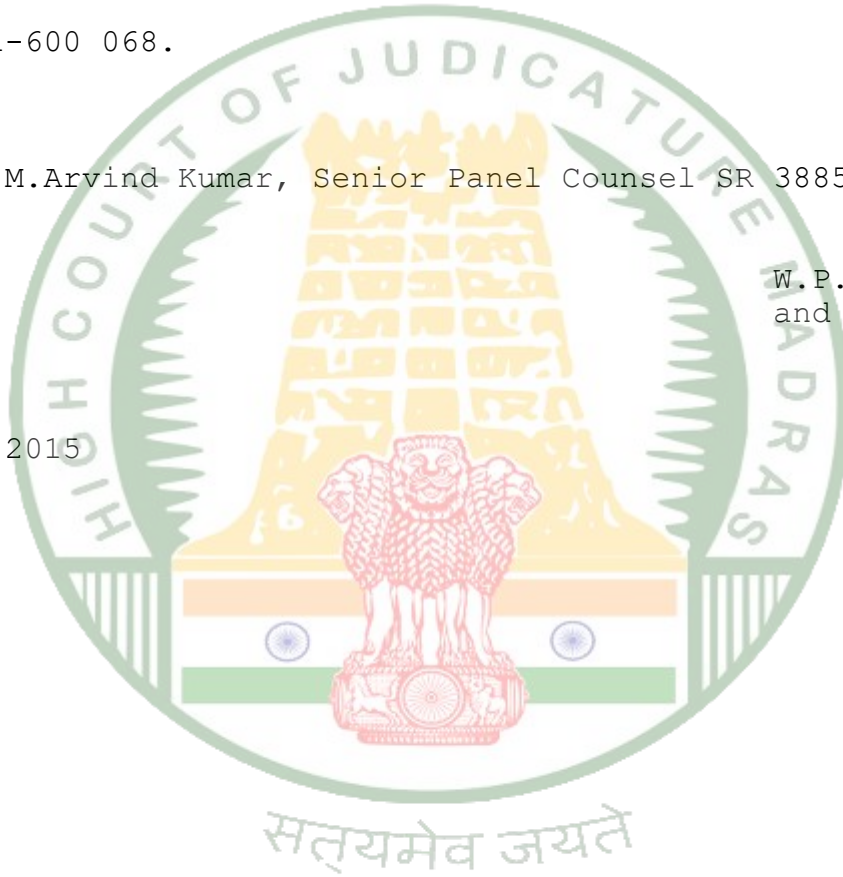
2. The Central Vigilance Commission,
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3. The General Manager,
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Chennai-600 068.
5. The Chief Vigilance Officer,
M/s.Madras Fertilizer Ltd.,
Manali,
Chennai-600 068.

2CC to Mr.M.Arvind Kumar, Senior Panel Counsel SR 38859

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