

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.4555 OF 2015

and

M.P.Nos.1 and 2 of 2015

U.Maragatham

.. Petitioner

Vs.

1. The Deputy General Manager (LPG),
Indian Oil Corporation Limited,
(Marketing Division),
Tamil Nadu State Office,
139, Nungambakkam High Road,
Chennai - 600 034.

2. The Executive Director (LPG),
Indian Oil Corporation Limited,
(Marketing Division),
Tamil Nadu State Office,
139, Nungambakkam High Road,
Chennai - 600 034.

3. The Chief Plant Manager,
Erode Bottling Plant,
Perundurai,
Erode District.

.. Respondents

* * *

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the tender notification in Ref.No.TNSO/LPG-O/168, dated 03.12.2015 issued by the first respondent and quash the same as improper, illegal, unreasonable, against the natural justice and thereby direct the respondents not to insist for age of the truck and issue fresh tender by including (i) reservation quota for women and (ii) follow the internal reservation for the SC Arunthathiyar candidates by giving preference for the payment of security deposit and EMD and thereby proceed the allotment for transportation of Indane Cylinder in vertical position on unit rate basis Ex-Erode LPG Bottling Plant.

* * *

For Petitioner : Mr.M.V.Muralidaran

For Respondents: Mr.M.Ravindran, Senior Counsel
for Mr.V.Anantha Natarajan

O R D E R

Heard Mr.M.V.Muralidaran, learned counsel for the petitioner and Mr.M.Ravindran, learned Senior Counsel assisted by Mr.V.Anantha Natarajan, learned counsel for the respondents.

2. The petitioner has filed this writ petition challenging the notification issued by the respondents Corporation calling for tenders / applications for transportation of LPG Cylinders.

3. The petitioner would state that the impugned tender notifications is liable to be struck down, as there is no reservation for Women and there is no internal reservation for Scheduled Caste (Arunthathiyar). It is submitted that the Madurai Bench of this Court has entertained a batch of writ petition in W.P.Nos. 21279 of 2014 etc., and an order of status quo has been passed in those writ petitions and the issue involved in those writ petitions is also identical to that of the grounds raised in the present writ petition.

4. It is pointed out by the learned Senior Counsel for the respondents that the petitioner, not being an applicant, has no locus standi to challenge the impugned tender notification, more so, when she has not stated in the affidavit that the writ petition is filed as a Public Interest Litigation. That apart, it is submitted that the reservation for Scheduled Caste (Arunthathiyar) is not applicable to the present tender, since the notification has been issued pursuant to the directions of the Central Government and reservation of 15 % for Scheduled Caste and reservation of 7.5 % for Scheduled Tribe have been provided for in the tender. Apart from that, it is pointed that already the tender has been finalised and letter of intent was given on 17.02.2015 and the writ petition was filed only on 19.02.2015. Further, it is contended that the notification, which is subject matter of challenge before the Madurai Bench was issued on 21.09.2013 and that tender notification is entirely different notification in those writ petitions.

5. Admittedly, the petitioner is not an applicant in the said contract. All that the petitioner seeks is issuance of writ of Certiorari to quash the impugned notification on the ground that the reservation for Women and reservation for Scheduled Caste (Arunthathiyar) have not been provided for in the impugned tender notification. Further, the petitioner has no locus standi to question the impugned tender notification, more so, when already the

Letter of Intent has been issued much prior to filing of the writ petition.

6. Accordingly, writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar
Dated:10.3.15

True Copy

To
Sub Assistant Registrar

1. The Deputy General Manager (LPG),
Indian Oil Corporation Limited,
(Marketing Division),
Tamil Nadu State Office,
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3. The Chief Plant Manager,
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Perundurai,
Erode District.

+1 cc to Mr.M.V.Muralidaran, Advocate,SR.10184

+1 cc to Mr.V.Ananathanatarajan, Advocate,SR.10251.

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ORDER IN
W.P.NO.4555 OF 2015