



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 03.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD)No.15996 of 2015

WEB COPY

S.Thiyagarajan

...Petitioner

Vs

1.THE SUPERINTENDING ENGINEER (A/C)
NATIONAL HIGHWAYS, TIRUNELVELI.

2.THE DIVISIONAL ENGINEER (NH),
NATIONAL HIGHWAYS, NAGERCOIL.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of mandamus directing the 2nd Respondent to issue working condition certificates (45 Numbers - for 45 works) on the basis of petitioner's application dated 01.09.2015 pertaining to Tender Notifications nos. 7, 8, 9, 10/2015 on or before 06.09.2015.

For Petitioner :Mr.Pugazh Gandhi.P

For Respondents :Mr.N.S.Karthikeyan

Additional Government Pleader

ORDER

The writ petition has been filed for issuance of Writ of mandamus directing the 2nd Respondent to issue working condition certificates (45 Numbers - for 45 works) on the basis of petitioner's application dated 01.09.2015 pertaining to tender notifications nos. 7, 8, 9, 10/2015 on or before 06.09.2015.

2. The case of the petitioner is that he is a Government-State Level Class I contractor for Public Works Department Highways Department. The petitioner executed various highway works to the satisfaction of Government of Tamil Nadu and there is no adverse claim or any black mark against the petitioner with respect to the performance of the contract till now. The first respondent issued four tender notices in Tender Notice Nos.7, 8, 9, 10 of 2015-16/DO/dated 10.08.2015 calling for competitive bidders to participate in a tender under the Tirunelveli (NH) Division Central Road Fund 2015-16. The petitioner is willing to participate in all the works mentioned in the tender notices. The said notification fixes the deadline for submission of tender documents on or before 11.09.2015 at 15.00 hours through online. While so, now the first respondent issued an additional qualification stating that the machineries central mix plant, Paver finisher, static roller, vibratory tandem roller and earth compacter have to be in good working condition and working condition certificate should be obtained from the Divisional Engineer (H), Quality Control, on or before 20.08.2015 and original certificates should be enclosed along with the tender for the above equipment. According to the petitioner, one of the conditions for declaring as Class I Contractor is ownership and good working condition of the above said equipment. Hence, the petitioner applied to the second



respondent on 01.09.2015 requesting him to inspect his premises and issue a working condition certificate. But the said application was not considered till date. Hence, he has come forward with this writ petition.

3. Heard the submissions made on either side and carefully perused the materials available on record.

4. Considering the submissions made on either side, without going into the merits of the matter, the second respondent is directed to inspect the petitioner's premises with regard to issuance of Working Condition Certificate and pass appropriate orders on or before 08.09.2015. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

5. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. THE SUPERINTENDING ENGINEER (A/C)
NATIONAL HIGHWAYS, TIRUNELVELI.

2. THE DIVISIONAL ENGINEER,
NATIONAL HIGHWAYS, NAGERCOIL.

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SRM

PBK/AAL-MPA/SAR-II 03/09/2015 ::2P-3C:: (IT)