



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P (MD) .No.17630 of 2015

E.Subramanian

...Petitioner

Vs.

The Commissioner,
Corporation of Madurai,
Arignar Annamaligai,
Thallakulam,
Madurai - 625 002.

...Respondent

Prayer: This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent herein to disburse the 5% withhold amount approximately to the tune of Rs.1,34,257.87/- to the petitioner in respect of the work done by him as per work supply order issued by the respondent, dated 08.11.2002 made in No.Ma.Na.3/9416/02 for the supply of Auto Vehicles to clear the garbage from the respondent corporation wards and transported the same to the corporation temporary garbage collection dumping yard by considering the representation of the petitioner, dated 23.09.2015.

For petitioner	: Mr.A.Saravanan
For Respondent	: Mr.R.Prabhu Ramachandran

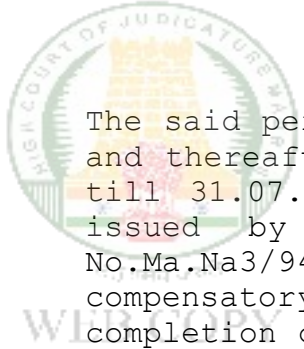
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondent herein to disburse the 5% withhold amount approximately to the tune of Rs.1,34,257.87/- to the petitioner in respect of the work done by him as per work supply order issued by the respondent, dated 08.11.2002 made in No.Ma.Na.3/9416/02 for the supply of Auto Vehicles to clear the garbage from the respondent corporation wards and transport the same to the corporation temporary garbage collection dumping yard, by considering the representation of the petitioner, dated 23.09.2015.

2. Mr.R.Prabhu Ramachandran, learned counsel takes notice for the respondent.

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

4. The case of the petitioner is that the respondent Corporation in its tender dated 18.10.2002 has declared the petitioner as one of the successful bidders in "L1" tender in respect of the work relating to removal of garbage in the corporation wards through auto vehicles and transport the same to the corporation temporary garbage dumping yards.



The said period of tender was originally started 08.11.2002 to 31.03.2005 and thereafter the same was extended from time to time by the respondent till 31.07.2007. As per condition clause No.12 of work supply order issued by the respondent corporation, dated 08.11.2002 made in No.Ma.Na3/9416/02, it is made clear that the 5% deduction amount towards compensatory fine amount, income tax, will be disbursed only after the completion of the audit and no interest will be paid for the said amount. As per the work order condition clause No.12, as stated above, the respondent has deducted approximately Rs.1,34,257.87/-. Even after completion of the tender period, the said amount was not disbursed to the petitioner. Hence, the petitioner has made a representation to the respondent on 23.09.2015. But the said representation was not considered so far. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submissions made by the learned counsel for the petitioner, without going into the merits of the averments made in the Writ Petition, this Court directs the respondent to consider the representation of the petitioner, dated 23.09.2015 and pass appropriate order, with regard to disbursement of 5% withhold amount to the petitioner by verifying the audit report, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed off. No Costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub-Assistant Registrar

To
The Commissioner,
Corporation of Madurai,
Arignar Annamaligai,
Thallakulam,
Madurai - 625 002.

+1 cc to MR.A.Saravanan, ADVOCATE, SR No.57397
+1 cc to MR.R.Prabhu Ramachandran, ADVOCATE, SR No.57402

SH/JGB:15.10.15/2P-4C

W.P(MD).No.17630 of 2015
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