



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2015

CORAM:

THE HONOURABLE Mr. JUSTICE K. RAVICHANDRABAABU

W.P. (MD) Nos. 20424 and 20425 of 2015

and

M.P. (MD) Nos. 1, 1, 2 and 2 of 2015

W.P. (MD) No. 20424 of 2015:

The Managing Director,

Janaka Jabangelin,

M.J.D. Construction & Engineering Contractors Pvt. Ltd.,

Kanyakumari District.

... Petitioner

Vs.

1. The Superintending Engineer,

National Highways,

Tirunelveli.

2. The Divisional Engineer (NH),

National Highways,

Nagercoil,

Kanyakumari District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the tender notice (1) Tender Notice No. 15/2015 - 2016/DO, dated 12.10.2015 (2) Tender Notice No. 16/2015 - 16/DO, dated 12.10.2015 (3) Tender Notice No. 17/2015 - 2016/DO dated 13.10.2015 (4) Tender Notice No. 18/2015 - 2016/DO, dated 14.10.2015 (5) Tender Notice No. 19/2015 - 2016/DO, dated 15.10.2015 (6) Tender Notice No. 20/2015 - 2016/DO, dated 19.10.2015 on the file of the 1st respondent and quash the same in so far as the requirement of working condition certificate is concerned and consequently, direct the 1st respondent to permit the petitioner to participate in all the tender without insisting on working condition certificate.

W.P. (MD) No. 20425 of 2015:

Manikandan

... Petitioner

Vs.

1. The Superintending Engineer,

National Highways,

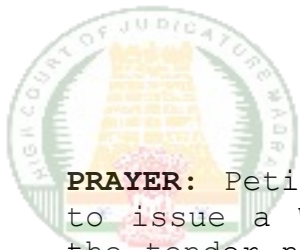
Tirunelveli.

2. The Divisional Engineer (NH),

National Highways,

Nagercoil, Kanyakumari District.

... Respondents



PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the tender notice (1) Tender Notice No.15/2015 - 2016/DO, dated 12.10.2015 (2) Tender Notice No.16/2015 - 16/DO, dated 12.10.2015 (3) Tender Notice No.17/2015 - 2016/DO dated 13.10.2015 (4) Tender Notice No.18/2015 - 2016/DO, dated 14.10.2015 (5) Tender Notice No.19/2015 - 2016/DO, dated 15.10.2015 (6) Tender Notice No.20/2015 - 2016/DO, dated 19.10.2015 on the file of the 1st respondent and quash the same in so far as the requirement of working condition certificate is concern and consequently, direct the 1st respondent to permit the petitioner to participate in all the tender without insisting on working condition certificate.

For Petitioners : M/s.C.Bharathi

For Respondent : Mr.N.S.Karthikeyan,
Additional Government Pleader

COMMON ORDER

In both these Writ petitions, the respective petitioners challenged the tender notice in so far as the requirement of furnishing the working condition certificate is concerned and consequently, for a direction to the 1st respondent to permit the petitioner to participate in tender without insisting on the working condition certificate.

2.The grievance of the petitioners is that the 2nd respondent has not inspected the machineries and issued the said certificate so as to enable them to participate in the tender process.

3.Mr.N.S.Karthikeyan, learned Additional Government Pleader, who takes notice for the respondents, based on instructions submitted that inspection of the machineries have been conducted by the 2nd respondent already and the working condition certificate will be issued to the petitioners, if they approach the 2nd respondent at any time.

4.The learned counsel appearing for the petitioners submitted that the above submission of the learned Additional Government Pleader may be recorded and the Writ petitions may be closed with liberty to the petitioners to approach the 2nd respondent to get the working condition certificate.

5.Considering the above stated facts and circumstances and the submissions made by the learned Additional Government Pleader, both the Writ petitions are disposed of with a direction to the 2nd respondent to furnish the working condition certificate to the petitioners in respect of the works referred to in the tender notices, without loss of any further time, preferably, within a period of two days from today.

6.The learned Additional Government Pleader in fact submitted that such certificate will be issued today itself.



No costs. Consequently, connected M.Ps. are closed.

Sd/-
Assistant Registrar

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/True Copy/

Sub Assistant Registrar

To

1. The Superintending Engineer,
National Highways,
Tirunelveli.

2. The Divisional Engineer (NH),
National Highways,
Nagercoil,
Kanyakumari District.

+1cc to M/S.C.Bharathi, Advocate in SR.No.66133.

TS/19.11.2015/2P-4C/AAL-MPA/SAR II

W.P. (MD) Nos.20424 and 20425 of 2015

19.11.2015