



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) .No.3394 of 2015

and

M.P. (MD) .No.1 of 2015

M/s.Vasantham Agencies,
rep.by its Proprietor,
N.Monikandan,
No.47/6, Niyafi Complex,
Dennison Road,
Nagercoil

... Petitioner

Vs

1.The Chief General Manager,
Bharat Sanchar Nigam Ltd,
Greens Road, Chennai.

2.The Senior General Manager,
Bharat Sanchar Nigam Ltd,
BSNL Bhavan,
Court Road, Nagercoil,
Kanyakumari District.

3.The Assistant General Manager (Sales-CM)
Bharat Sanchar Nigam Ltd,
BSNL Bhavan,
Court Road, Nagercoil,
Kanyakumari District.

4.I.Thirunavukarasu

... Respondents

Prayer:-

This Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the entire records relating to the impugned proceedings No.CM/Open tender/Re-verification/Scanning/2013-14 dated 27.02.2015 & 28.02.2015 on the file of the second respondent and quash the same as illegal.

For petitioner

: M/s.M.P.Senthil



For R.1 and R4

: No appearance

ORDER

This Writ petition has been filed by the petitioner praying for the issuance of a Writ of Certiorari to call for the entire records of the second respondent dated 27.02.2015 & 28.02.2015 and quash the same. By the said impugned orders, the petitioner was prohibited from participating any tender conducted by the respondents herein as well as the other Government of India organisations, for a period of three years.

2. Though very many grounds have been raised by the learned Counsel for the petitioner in this Writ Petition, he would primarily contend that when the show cause notice was issued by the third respondent, the second respondent has stepped into the issue and passed orders impugned in this Writ Petition, that too, after a period of two years from the date of show cause notice and reply was submitted to the second respondent. Hence, he prayed for quashing of the impugned orders.

3. *Per contra*, the learned Standing Counsel appearing for BSNL would submit that there is nothing wrong in passing the present impugned orders by the second respondent, when the issue is serious in nature.

4. On the face of it, since the issue touching the jurisdiction of the second respondent, who admittedly has no jurisdiction to pass orders, is now placed before this Court, in order to give quietus to this matter, the orders impugned in this Writ Petition stands set aside and the matter is remitted back to the third respondent for fresh consideration. Since the third respondent has already issued a show cause notice to the petitioner, which is not disputed by the petitioner, the third respondent shall give an opportunity of hearing alone to the petitioner within a period of one week from the date of receipt of a copy of this order and the petitioner shall place all the relevant papers before the third respondent to substantiate his claim. Thereafter, the third respondent is directed to pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of opportunity given to the petitioner.

With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)



Sub Assistant Registrar

1.The Chief General Manager,
Bharat Sanchar Nigam Ltd,
Greens Road, Chennai.

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+1CC M.P.SENTHIL SR NO:39009

+1CC K.GOVINDARAJAN SR NO:38743

SSM

JAM:27.7.2015/3P/6C

W.P (MD) .No.3394 of 2015
14.7.2015