

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 27472 of 2010

ORDER:

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The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in not clearing the bills due to the petitioner for the night shift work performed as per the instructions of the respondents corporation vide letter No. CHP.CPMTRACT.TWD, dated 24.10.2009, from June, 2009 to 31.08.2010 and issuing show cause notice demanding to deposit an amount of Rs.3,87,671/- alleging that the petitioner's workmen involved in theft and pilferage on the intervening night of 11/12.09.2009 and on 07.03.2010, without conducting regular enquiry, as arbitrary, illegal and contrary to law.

The averments in the affidavit filed in support of the writ petition would show that the petitioner herein participated in the tender schedule for providing man power services for Tank Wagon unloading operations as well as electrical maintenance of Cherlapally Installation and the rates quoted by the petitioner have been accepted by the respondents corporation and letter of acceptance dated 30.11.2008 was also issued. The contract period was for one year commencing from 01.12.2008 to 30.11.2009, extendable periodically by another one year. The petitioner herein responded to another tender notification issued by the Corporation for providing man power services for PLT (pipe line transfer) operations at Cherlapalli and Ghatkesar and electrical maintenance at Ghatkesar pump house. The rates

quoted by the petitioner were accepted and letter of acceptance was also given on 13.11.2008. The petitioner was discharging the works to the satisfaction of the corporation. While things stood thus, the second respondent issued the impugned letter dated 31.08.2010 stating that the contract period for providing man power for TWD unloading Cherlapally installation got expired which shall not be extended for further period on the ground that the petitioner made a complaint against U.S.Roy in the month of March, 2008. It is further alleged that due to pressure extracted by the said U.S.Roy, a false case was foisted against the workers of the petitioner company alleging that the workmen who were working inside tank farm premises involved in pilfering petrol from the pump house, carrying the same to the car parking area and car washing area for using the same for their private vehicles. It is alleged that on 07.03.2010 the first respondent made a surprise inspection and observed that the two wheeler of one of the staff of the petitioner by name Mr.Narsing Rao, which was parked in the PCVO rest area was found to be full with petrol with a 5 litre jerry can tied to the dickey of his vehicle. A notice was also issued to the petitioner on 12.04.2010 referring to certain incidents that took place. On 07.07.2010 the petitioner received a notice directing him to deposit Rs.3,87,617/- alleging that because of him the Corporation sustained loss towards theft and pilferage. Challenging the said action and also order terminating the contract, the present writ petition is filed.

At the time when the matter is taken up for hearing, it is brought to the notice of the Court that the period of contract was expired long back and the petitioner did not give any reply/explanation to the notice issued by the respondents corporation. Since the contract period has already expired and in

view of the representation made by the learned Standing Counsel for the respondents' Corporation that till date no action has been initiated for recovery of the said amount, this Court is of the view that nothing survives for adjudication in the writ petition at this point of time and the same is accordingly closed, leaving it open to the petitioner to avail the remedies available under law in case any action is initiated for recovery of the amount. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

23.12.2015

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