

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2016

CORAM:

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

W.P.No.17858 of 2016
and
W.M.P.No.15546 of 2016

Tharu & Sons,
represented by its Partner

.. Petitioner

Vs.

1.The Divisional Railway Manager,
Southern Railway,
Chennai Division,
Chennai - 3.

2.The Senior Divisional Electrical Engineer/Operations,
Chennai Division,
Southern Railway,
Chennai - 600 003.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents from finalizing the Tender Notice No.M/ET/OP/29/II/OT/15-16/11 dated 23.12.2015 issued by the second respondent, pending disposal of representation of petitioner dated 16.03.2016 before the respondents.

For Petitioner : Mr.M.Rajasekhar

For Respondents : Mr. V.Haribabu

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus forbearing the respondents from finalizing the Tender Notice No.M/ET/OP/29/II/OT/15-16/11 dated 23.12.2015 issued by the second respondent, pending disposal of the petitioner's representation dated 16.03.2016.

2. The petitioner is a contractual service provider to the Government of India Establishments and they are also executing various contracts in the railways. The second respondent called for tender for maintenance of old and new running rooms, serving calls for crew booking points at Jolarpet running rooms and

subsidized food/meals provided to the running staff at Jolarpet running room for a period of two years. Further, the second respondent also invited tenders for various contracts for maintenance, etc. The last date for receipt of tender forms for Jolarpet was 18.02.2016 and the last date for Chennai Central was 08.03.2016.

3. The petitioner is an existing contractor for Chennai Central for supply of the said contracts for a period of two years and now, the petitioner has applied for Jolarpet Railway Station. Since the petitioner was not aware whether the value of the bid should include service tax or not, they have submitted a representation dated 16.03.2016 to the respondents stating that they have submitted tender in respect of Jolarpet running room excluding service tax amount and requested to reimburse the service tax amount apart from the quoted rate when they submit the challans otherwise not to consider the petitioner's tender in respect of Jolarpet running room. Since the said representation has not been considered till date, the petitioner has filed the present writ petition.

4. Heard Mr.M.Rajasekhar, the learned counsel for the petitioner and Mr.V.Haribabu, learned counsel appearing for the Railways.

5. Considering the submissions made, this Court, without going into the merits of the case, directs the second respondent to consider the petitioner's representation dated 16.03.2016 and pass orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Divisional Railway Manager,
Southern Railway,
Chennai Division,
Chennai - 3.

2.The Senior Divisional Electrical Engineer/Operations,
Chennai Division,
Southern Railway,
Chennai - 600 003.

+1cc to Mr.M.Raja Sekher, Advocate Sr.28293
+1cc to Mr.V.Haribalu, Advocate Sr.28372

W.P.No.17858 of 2016

pa (CO)
srg (17/05/2016)



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