

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.03.2016

PRONOUNCED ON : 12.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.30206 of 2015

and

M.P.No.1 of 2015

R.Devaraj

... Petitioner

Vs.

1. The General Manager,
Cordite Factory,
Aruvankadu,
The Nilgiris-643 202.

2. The Joint General Manager/Engineering
Cordite Factory,
Aruvankadu,
The Nilgiris-634 202.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records pertaining to the order passed by the 2nd respondent in Ref.No.13300/EO, dated 26.02.2015.

For Petitioner : Mr.Rajkumar Paul

For respondents : Mr.K.Raju, CGSC

ORDER

This writ petition has been filed by the petitioner seeking to quash the order passed by the 2nd respondent in Ref.No.13300/EO, dated 26.02.2015.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner, inter alia, as follows:-

2.1.The petitioner is the sole proprietor of the firm M/s.A.R.Ramaiah Pillai Engineers and Contractors, which is engaged in executing civil works. The petitioner's firm is taking contract works at the respondents - Cordite

Factory. The petitioner's firm has been promptly executing the civil and other works entrusted by the respondents-Organization.

2-2.The petitioner filed the Income Tax returns for the Financial Years 2011-12 before the Income Tax Department, with details of recovery made in the petitioner's payments by the respondents and other department of MES. All the recoveries made by other departments of MES tallied, except the respondent's office, due to incorrect mentioning of the PAN number by respondent's office. Due to the said mistake, the income tax department issued to the petitioner a show cause notice dated 28.08.2013 asking his explanation failing which the Income Tax authority threatened to impose penalty under Section 271-B.

2-3.The petitioner carried out the repair works at Aluminium Storage Tank at respondents' factory; but, the payment for the completed work was also not released by the respondents to the petitioner. Hence, the petitioner filed a suit in O.S.No.80 of 2014 before the District Munsif, Court, Coonoor, against the respondents and in the said suit, the District Munsif directed the respondents to make the payment due to the petitioner, along with interest and cost of Rs.7,355/-. But, the respondents have not paid the amount due to the petitioner. While so, the 2nd respondent has issued the impugned order dated 26.02.2015 debarring the petitioner from taking up any contract for one year. According to the petitioner, the 2nd respondent is not competent to pass the impugned order. Hence, the petitioner has filed the present writ petition.

3.Heard the learned counsel for the petitioner as well as the learned Central Government Standing Counsel appearing for the respondents and perused the materials available on record.

4.It is submitted by the learned Central Government Standing Counsel appearing for the respondents that what was challenged by the petitioner is only an intimation sent to the petitioner dated 26.02.2015 and the petitioner has not challenged the minutes of CWC-I Meeting, held on 23.02.2015. As such, the present writ petition is not maintainable.

5.Further, the learned counsel for the petitioner has also raised several disputes with regard to the factual aspects in repaying the amount. But, the same cannot be considered by this Court in the present writ petition, since this Court cannot conduct any roving enquiry while exercising power under Article 226 of the Constitution of India.

6.In my considered opinion, the petitioner cannot challenge the intimation sent to him. Hence, the writ

petition is liable to be dismissed. Accordingly, the writ petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssv

To

1. The General Manager,
Cordite Factory,
Aruvankadu,
The Nilgiris-643 202.
2. The Joint General Manager/Engineering
Cordite Factory,
Aruvankadu,
The Nilgiris-634 202.

+1cc to Mr.Rajkumar Paul, Advocate, S.R.No.23109

+1cc to Mr.K.Raju, Advocate, S.R.No.22849

W.P.No.30206 of 2015
and
M.P.No.1 of 2015

RSI (CO)
CA(27/04/2016)

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