

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.32331 of 2016

M.N.Palanisamy

... Petitioner

..Vs..

1. The Principal Conservator of Forest
Head of Forest Force, No.1, Gee,
Panagal Maligai, Saidapet,
Chennai 600 015.
 2. The Chief Conservator of Forests
Forest Extension, North Zone
Guindy Children Park, Chennai 600 022.
 3. The Forestry Extension Officer
Forestry Extension Officer
Krishangiri-635115,
Krishnagiri District.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of mandamus directing the respondents to pay the guarantee fund a sum of Rs.1,77,502/- with interest at the rate of 18% per annum payable to the petitioner as per the contract which performed during the year 2006 and 2007.

For Petitioner : Mr.M.Elango

For Respondent : Mr.N.Inbanathan
Government Advocate [Forests]

ORDER

Heard Mr.M.Elango, learned counsel for the petitioner and Mr.N.Inbanathan, learned Government Advocate [Forests] accepting notice on behalf of the respondent. By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner has filed the present writ petition seeking for a writ of mandamus to direct the respondents to refund the guarantee fund to the tune of Rs.1,77,502/- with interest at the rate of 18% per annum payable to the petitioner for the work done by him as per the contract during the year 2006-2007.

3. It appears that the petitioner was awarded a contract for carrying out certain work for the respondent / Department. The petitioner's case is that he has completed the work fully and therefore, he seeks for release of the amount which was paid by him at the time of entering into the contract, being in the nature of Guarantee Fund to the tune of Rs.1,77,502/-. Since the 3rd respondent did not release the funds, the petitioner submitted representations to the 2nd respondent on 09.08.2012 and 20.08.2015 respectively and the 2nd respondent in turn, informed the petitioner on 30.10.2015 that appropriate action would be initiated by the 3rd respondent. It is also almost one year since such communication was received by the petitioner and no steps appears to have been taken by the 3rd respondent.

4. Mr.N.Inbanathan, learned Government Advocate [Forests] would submit that reasonable time may be granted to the 3rd respondent to act in accordance with law.

5. Accordingly, there will be a direction to the 3rd respondent to consider the petitioner's claim/representations dated 09.08.2012 and 20.08.2015 respectively, for the refund of the Guarantee Fund and pass appropriate orders on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Principal Conservator of Forest
Head of Forest Force, No.1, Gee,
Panagal Maligai, Saidapet,
Chennai 600 015.

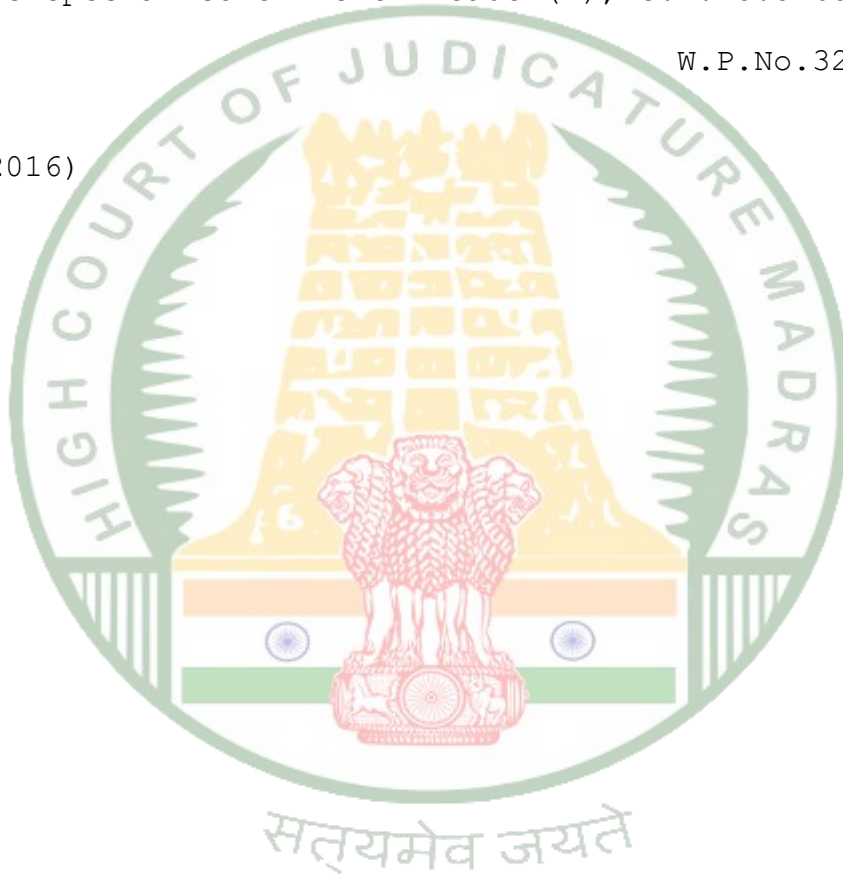
2. The Chief Conservator of Forests
Forest Extension, North Zone
Guindy Children Park, Chennai 600 022.

3. The Forestry Extension Officer
Forestry Extension Officer
Krishangiri-635115,
Krishnagiri District.

+lcc to the Special Government Pleader(T), S.R.No.52654

W.P.No.32331 of 2016

KK(CO)
CA(27/09/2016)



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