

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.10.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition Nos.35906 to 35910 of 2016
and
WMP.Nos.30845 to 30849 of 2016

W.P.No.35906 of 2016

Mr.T.Kolandaivelu & Co.,
No.18, K.A.S.Garden,
Perumal Malai Road,
Narasothipatty, Salem-4,
Rep. by its Managing Director
T.Kolandaivelu ... Petitioner

Versus

1. The Superintending Engineer
Highways, C & M Circle, Salem-302.
2. The Divisional Engineer,
Highways, (C & M) , Salem Division,
Salem-302. .. Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, forbearing the respondents from recovering any amount under the price adjustment mechanism for the work executed by the petitioner as per the work order in T.R.P.145/2015-16/E.Va.A-2/dated 30.11.2015 on the file of the 1st respondent and direct the respondents to follow the guidelines issued in Government Orders in G.O.Ms.No.101, Public Works (G2) Department dated 10.06.2009 and G.O. (Ms) No.281, Highways and Minor Ports (HF.1) Department dated 13.09.2010.

W.P.No.35907 of 2016
Mr.T.Kolandaivelu & Co.,
No.18, K.A.S.Garden,
Perumal Malai Road,
Narasothipatty, Salem-4,
Rep. by its Managing Director
T.Kolandaivelu .. Petitioner

Versus

1. The Superintending Engineer,
Highways, C & M Circle, Salem-302.

2. The Divisional Engineer,
Highways, (C & M) , Salem Division,
Salem-302.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus, forbearing the respondents from recovering any amount under the price adjustment mechanism for the work executed by the petitioner as per the work order in T.R.P.135/2015-16/E.Va.A-2/dated 30.11.2015 on the file of the 1st respondent and direct the respondents to follow the guidelines issued in Government Orders in G.O.Ms.No.101, Public Works (G2) Department dated 10.06.2009 and G.O. (Ms) No.281, Highways and Minor Ports (HF.1) Department dated 13.09.2010.

W.P.No.35908 of 2016

Mr.T.Kolandaivelu & Co.,
No.18, K.A.S.Garden,
Perumal Malai Road,
Narasothipatty, Salem-4,
Rep. by its Managing Director
T.Kolandaivelu

.. Petitioner

Versus

1. The Superintending Engineer,
Highways, C & M Circle, Salem-302.

2. The Divisional Engineer,
Highways, (C & M) , Salem Division,
Salem-302.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus, forbearing the respondents from recovering any amount under the price adjustment mechanism for the work executed by the petitioner as per the work order in T.R.P.90/2014-15/E.Va.A-2/dated 27.11.2014 on the file of the 1st respondent and direct the respondents to follow the guidelines issued in Government

Orders in G.O.Ms.No.101, Public Works (G2) Department dated 10.06.2009 and G.O. (Ms) No.281, Highways and Minor Ports (HF.1) Department dated 13.09.2010.

W.P.No.35909 of 2016

Mr.T.Kolandaivelu & Co.,
No.18, K.A.S.Garden,
Perumal Malai Road,
Narasothipatty, Salem-4,
Rep. by its Managing Director
T.Kolandaivelu

.. Petitioner

Versus

1. The Superintending Engineer,
Highways, C & M Circle, Salem-302.
2. The Divisional Engineer,
Highways, (C & M) , Namakkal Division,
Namakkal.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus, forbearing the respondents from recovering any amount under the price adjustment mechanism for the work executed by the petitioner as per the work order in T.R.P.79/2014-15/E.Va.A-1/dated 27.11.2014 on the file of the 1st respondent and direct the respondents to follow the guidelines issued in Government Orders in G.O.Ms.No.101, Public Works (G2) Department dated 10.06.2009 and G.O. (Ms) No.281, Highways and Minor Ports (HF.1) Department dated 13.09.2010.

W.P.No.35910 of 2016

Mr.T.Kolandaivelu & Co.,
No.18, K.A.S.Garden,
Perumal Malai Road,
Narasothipatty, Salem-4,
Rep. by its Managing Director
T.Kolandaivelu

.. Petitioner

Versus

1. The Superintending Engineer,,
Highways, C & M Circle, Salem-302.

2. The Divisional Engineer,
Highways, (C & M) , Namakkal Division,
Namakkal.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus, forbearing the respondents from recovering any amount under the price adjustment mechanism for the work executed by the petitioner as per the work order in T.R.P.112/2015-16/Va.A-1/dated 30.10.2015 on the file of the 1st respondent and direct the respondents to follow the guidelines issued in Government Orders in G.O.Ms.No.101, Public Works (G2) Department dated 10.06.2009 and G.O. (Ms) No.281, Highways and Minor Ports (HF.1) Department dated 13.09.2010.

For Petitioner : Mr.S.Doraisamy
(in all W.P.'s)
For Respondents : Mr.A.Kumar
(in all W.P.'s) Special Government Pleader

C O M M O N O R D E R

By consent, these Writ Petitions are taken up and disposed of at the stage of admission itself.

2. These Writ Petitions have been filed seeking for a direction to the respondents to forbear them from recovering any amount under the price adjustment mechanism for the work executed by the petitioner as per the work orders dated 30.11.2015, 27.11.2014 and 30.10.2015 respectively on the file of the 1st respondent and direct the respondents to follow the guidelines issued in Government Orders in G.O.Ms.No.101, Public Works (G2) Department dated 10.06.2009 and G.O. (Ms) No.281, Highways and Minor Ports (HF.1) Department dated 13.09.2010.

3. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader, who accepts notice on behalf of the respondents.

4. Though the prayer sought for by the petitioner in this Writ Petition is for a larger relief, the learned counsel appearing for the petitioner would submit that it would suffice, if the respondents are directed to consider and pass orders on the representation of the petitioner dated 28.09.2016, within a stipulated period, in view of the fact that the penalty amount has already been debited.

5. In view of the said submissions made by the learned counsel for the petitioner, the respondents are directed to consider and pass orders on the representation of the petitioner dated 28.09.2016, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. These Writ Petitions are disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintending Engineer,
Highways, C & M Circle, Salem-302.
2. The Divisional Engineer,
Highways, (C & M) , Salem Division,
Salem-302.
3. The Divisional Engineer,
Highways, (C & M) , Namakkal Division,
Namakkal.

+5cc to Mr.S. Duraisamy, Advocate, S.R.No.58037
+1cc to the Government Pleader, S.R.No.58226

ppa (CO)
md(4/11/2016)

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