



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2016

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) Nos.4456 to 4460 and 20482 of 2016

and

W.M.P (MD) Nos.4003 to 4007 and 14685 of 2016

P.Ramasamy

... Petitioner in all W.Ps.

Vs.

1.The District Collector/Chairman/
District Rural Development Agency,
Collectorate Campus,
Virudhunagar District.

2.The Project Director,
District Rural Development Agency,
Collectorate Campus,
Virudhunagar District.

3.The Executive Engineer,
District Rural Development Agency,
Collectorate Campus,
Virudhunagar District.

4.The Assistant Executive Engineer,
District Rural Development Agency,
Collectorate Campus,
Virudhunagar District.

... Respondents in
W.P (MD) Nos.4456 to 4460 of 2016

1.The Director,
Vigilance and Anti Corruption Unit,
Raja Annamalaipuram,
Chennai 28.

2.The Deputy Superintendent of Police,
Vigilance and Anti Corruption Unit,
Collectorate Complex,
Virudhunagar.



3.The District Collector/Chairman/
District Rural Development Agency,
Collectorate Campus,
Virudhunagar District.

... Respondents
in W.P(MD)No.20482 of 2016

WEB COPY

Prayer in W.P(MD)No.4456 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pass appropriate order for returning the performance security deposit amount and Security deposit amount retained by the respondents to as per the proceedings and as per the Agreement dated November 2008 for Package No.TN 28-16 of the 1st respondent in Na.Ka.C.6/3492/2006/dated 10.10.08 with appropriate interest.

Prayer in W.P(MD)No.4457 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pass appropriate order for returning the performance security deposit amount and Security deposit amount retained by the respondents to as per the proceedings and as per the Agreement dated November 2008 for Package No. TN 28- 18 of the 1st respondent in Na.Ka.C.6/3492/2006 dated 10.10.2008 with appropriate interest.

Prayer in W.P(MD)No.4458 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pass appropriate order for returning the performance security deposit amount and Security deposit amount retained by the respondents as per the proceedings and as per the Agreement dated November 2008 for Package No.TN 28-19 of the 1st respondent in Na.Ka.C.6/3492/2006/dated 10.10.2008 with appropriate interest.

Prayer in W.P(MD)No.4459 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pass appropriate order for returning the performance security deposit amount and Security deposit amount retained by the respondents to as per the proceedings and as per the Agreement dated August 2009 for Package No. TN 28-28 of the 1st respondent in Na.Ka.C. 6/1279/2007 dated 19.06.2009 with appropriate interest.

Prayer in W.P(MD)No.4460 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pass appropriate order for returning the performance security deposit amount and Security deposit amount retained by the respondents to as per the proceedings and as per the Agreement dated August 2009 for Package No.TN 28-29 of the 1st respondent in Na.Ka.C.6/1279/2007 dated



19.06.2009 with appropriate interest.

Prayer in W.P(MD)No.20482 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to submit the final report of the detailed enquiry in DE 23/2013/RDP/VN dt.05.03.2013 on the file of the 2nd respondent within such time frame on the basis of petitioner representation dated 05.07.2016.

For Petitioner

: Mr.G.Mariappan

For Respondents
(In all W.Ps)

: Mr.V.Murugandam,
Additional Government Pleader.

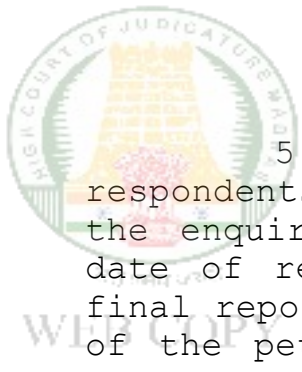
COMMON ORDER

According to the petitioner, he was awarded with contract for laying roads by the third respondent at Virudhunagar District and he has completed the entire work and also the entire final bill has been cleared off. At the time of awarding contract, he has deposited 5% of total contract amount as performance security and additional performance security with the third respondent which is payable to the petitioner. Even though the work has been completed long ago, the said amount has not been paid to the petitioner. On enquiry, he came to know that due to some allegation against the Project Director, D.R.D.A, Virudhunagar, an enquiry is pending before the Vigilance and Anti Corruption Unit, Virudhunagar. According to the petitioner, since all the files relating to the award of contract were handed over to the Department of Vigilance and Anti Corruption, the third respondent is not in a position to pass orders on his request to refund the performance security.

2.In the above circumstances, the petitioner filed W.P (MD)Nos.4456 to 4460 of 2016 wherein notice was ordered and a counter affidavit has been filed by the respondents stating that due to the pendency of above said proceedings, the third respondent is not in a position to pass orders.

3.The petitioner at filed W.P(MD)No.20482 of 2016 seeking direction to submit final report on the file of the second respondent on the basis of the representation of the petitioner dated 05.07.2016.

4.When the matter is taken up for hearing, learned Additional Government Pleader appearing for the respondents submitted that the enquiry is almost over and within three months final report will be filed.



5. Recording the said submission, the second and third respondents in W.P(MD)No.20482 of 2016 are directed to complete the enquiry and file final report within three months from the date of receipt of a copy of this order. After filing of the final report, the respondents are directed to consider the request of the petitioner and pass appropriate orders on merits and in accordance with law.

6. The writ petitions are disposed of accordingly. No costs. Consequently, W.M.P(MD)Nos.4003 to 4007 and 14685 of 2016 are closed.

Sd/-

Assistant Registrar(Crl)

/True copy/

Sub Assistant Registrar

To

1. The District Collector/Chairman/
District Rural Development Agency,
Collectorate Campus, Virudhunagar District.
 2. The Project Director,
District Rural Development Agency,
Collectorate Campus, Virudhunagar District.
 3. The Executive Engineer, District Rural Development Agency,
Collectorate Campus, Virudhunagar District.
 4. The Assistant Executive Engineer,
District Rural Development Agency,
Collectorate Campus, Virudhunagar District.
 5. The Director, Vigilance and Anti Corruption Unit,
Raja Annamalaipuram, Chennai 28.
 6. The Deputy Superintendent of Police,
Vigilance and Anti Corruption Unit,
Collectorate Complex, Virudhunagar.
 7. The District Collector/Chairman/
District Rural Development Agency,
Collectorate Campus, Virudhunagar District.
- +1 cc to M/s.G.Mariappan, Advocate in SR.No.63098
+1 cc to The Special Government Pleader in SR.No.63303
sms
CSL/PV/16.11.2016 :4P/10C