



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

Coram:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.(MD)No.7123 of 2013

A.Madasamy

.. Petitioner

-Vs-

1.The Director of Adi-Dravidar Welfare,
Chepauk, Chennai 600 005.

2.The General Manager,
TAHDCO,
Thirumangalam,
Chennai 600 101.

3.The Executive Engineer,
TAHDCO,
Tirunelveli.

.. Respondents

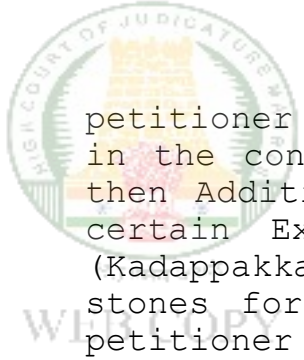
Prayer:- Writ Petition filed under Article 226 of the Constitution of India, for issuance of writ of Mandamus, directing the respondents herein to reimburse the sum of Rs.98,800/- being the value of the interior work performed by the petitioner, together with reasonable rate of interest as may be prescribed by this Court, within a reasonable time.

For Petitioner : Mr.S.Jayakumar
For Respondents : Mr.K.Guru, (for R1 and R2)
Additional Government Pleader
No Appearance (for R3)

ORDER

The petitioner is filed this writ petition to issue a writ of Mandamus by directing the respondents herein to reimburse the sum of Rs.98,800/- being the value of the interior work performed by the petitioner, together with reasonable rate of interest with a reasonable time.

2.The case of the petitioner is that he is a registered contractor and he has continuously executed three works under the respondent's corporation, which involved construction of six additional class rooms, three science lab and three compound walls in respect of three schools during the academic year 2007-2008. The work order for the above said work was been issued to the petitioner by the proceedings of the 1st respondent in Na.Ka.No.K4/19305 of 2007 dated 14.06.2007. Further those works was been completed by the



petitioner herein with due compliance of the conditions stipulated in the contract. After the completion of the above said works the then Additional Executive Engineer instructed the petitioner to do certain Extra works viz laying ceramic tiles and black stone (Kadappakkal) on the floors of the newly constructed rooms, granite stones for the computer tables and electrical wiring. Though the petitioner herein refused to perform the latter interior works which are uncovered by the contract, at the instance and the assurance given by the 2nd and 3rd respondents that they are yet to issue financial sanction from the 1st respondent for the said interior/extra works, the petitioner has completed the interior works at a cost of Rs.98,800/-. However, the 2nd and 3rd respondents failed to keep up their promise to receive financial sanction towards the work completed and thereby they wantonly prolonged the issue. In the mean time, the 1st respondent said to have issued approval for the cost of interior work for the above mentioned amount of Rs.98,800/-. Whereas to the shock of the petitioner, the 1st and 2nd respondents without disbursing the said amount to the petitioner herein, the then officials have returned Rs.90,000/- by retaining Rs.8,800/- with them.

3.The petitioner further understood that the present 3rd respondent on taking into account of the pathetic condition of the petitioner, has requested the 2nd respondent for reimbursement of the value of the work performed by the petitioner. The 3rd respondent further sought for a sanction from the 1st respondent in this regard. However, the 2nd respondent has refused to re-open the same. The non-payment of the above said amount is only due to the personal grudge of the then officers, that they have returned Rs.90,000/- to the respondent 1 and 2 and have retained a sum of Rs.8,800/- only. The said act of the respondent officers is arbitrary and unlawful.

4.The petitioner prays for an amount for which he has duly completed contract works. The petitioner cannot be made suffer financial loss or made to waive his claim for the value of work done by him. Therefore narrating the said facts the petitioner sent a detailed representation dated 06.11.2012 to the 2nd respondent with a prayer to reimburse the sanctioned amount of Rs.98,800/- which was returned by the previous officials. But the respondents neither paid the amount nor considered the petitioner's representation. Therefore the petitioner has come up with the present petition.

5.I heard Mr.S.Jayakumar, learned counsel appearing for the petitioner and Mr.K.Guru, learned Additional Government Pleader, counsel appearing for the respondents 1 and 2. No representation on behalf of the 3rd respondent.

6.On perusal of the records it is found that the 2nd respondent herein till date has not chosen to look into the petitioner's claim. It is needless to say that the respondents are always duty bound to process and hear the application and claims made before them by

public within a reasonable period. But in the case on hand the 2nd respondent has failed to discharge his official duty.

7. It is not dispute or denied of the respondents that the petitioner has not completed the work as given by the respondents. Thus being the case, why the respondents have not taken any effective steps, but this keep silent in lethargic manner, which this Court cannot seen as a silent spectator. The respondents are duty bound to pay the said amount.

8. Therefore, this Court feels that it is just and proper to direct the 2nd respondent to pass appropriate order on the basis of the petitioner's representation dated 06.11.2012 within a period of eight weeks from the date of receipt of this order copy, by giving personal opportunity to the petitioner.

9. The writ petition is disposed of with the above direction. No cost.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Adi-Dravidar Welfare,
Chepauk, Chennai 600 005.

2. The General Manager,
TAHDCO,
Thirumangalam,
Chennai 600 101.

3. The Executive Engineer,
TAHDCO,
Tirunelveli.

VSA/SKN

JS/GT/SAR.1/5.7.2017/3P-4C

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