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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Appeal (MD) No.903 of 2015

The Chief Medical Superintendent,
Railway Hospital,
Madurai.

... Appellant /Respondent

Vs.

R.F.L.Wilson

... Respondent/Petitioner

Appeal filed under Clause 15 of the Letters Patent against the order dated 22.06.2015 made in W.P.(MD) No.18970 of 2014.

Prayer in WP(MD). 18970/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records of the respondent herein dated 03.11.2014 and consquential Tender Notification issued by the respondent herein in tender notice no. U/MD.52/CCC/CVP, dated 06.11.2014 and quash the same and restore the letter of Acceptance issued by the respondent in his proceedings no. U/MD.52/CCC/CVP, dated 02.09.2014.

For Appellant	: Mr.S.Manohar
For Respondent	: No appearance

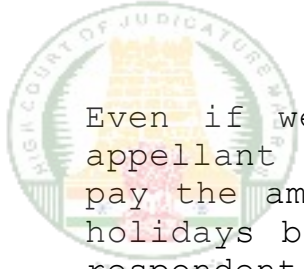
JUDGMENT

(Judgment of the Court was delivered by **M.M. SUNDRESH, J**)

This appeal is directed against the order of the learned single Judge by which the appellant was directed to refund the EMD amount of Rs.1,05,824/- without any interest to the respondent.

2.Learned counsel for the appellant would submit that letter of acceptance was issued on 02.09.2014. The amount has to be paid within sixty days. Since the respondent himself was given the letter only on 03.11.2014, his request cannot be considered. Therefore, the writ petition will have to be dismissed.

3. We have perused the letter said to have given by the respondent now produced by the learned counsel for the appellant.



Even if we take the submission of the learned counsel for the appellant as correct, on 03.11.2014, the respondent was ready to pay the amount. Admittedly, 01.11.2014 and 02.11.2014 were public holidays being Saturday and Sunday. Therefore, on 03.11.2014, the respondent was ready to pay the amount.

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4. In such view of the matter, we do not find any error in the order passed by the learned single Judge. After all, the learned single Judge has directed the return of EMD, that too, without interest. Accordingly, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

+1cc to Mr.S.Manohar, Advocate Sr.No.72431

SMS

VB/KP/SAR4/01.09.2017/2P/2C

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