

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 04.05.2017

CORAM

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P.(MD) No.8736 of 2017

and

WMP(MD) No.6655 to 6657 of 2017

P.Karpagavalli

... Petitioner

-vs-

1. The Senior Divisional Commercial Manager,
Divisional Office,
Southern Railway,
Madurai.

2. The Project Director,
Woman Welfare Department,
Virudhunagar District,
Virudhunagar.

3. G.Surya Devi,

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari, calling for the records pertaining to impugned order passed by the 1st respondent in U/C300/CSC/SRT/Qn dated 24.04.2017 and quash the same as illegal.

For Petitioner : Mr.M.Veilkaniraju

For R1 : Mr.S.Manohar

O R D E R

The Petitioner was awarded Cycle-stand contract by the Southern Railways in Sattur Railway Station for a period of three months namely from 17.01.2017 to 30.04.2017. Thereafter, a fresh tender was called by the Railways, in which, the petitioner participated. It is the case of the petitioner that she has quoted Rs.33,000/- as license fee, despite which, the Railways had given the contract to G.Surya Devi, the third respondent. Therefore, the petitioner has filed the present writ petition challenging the award of the contract to Surya Devi by making allegations of malafide.



2. Heard Mr.M.Veilkaniraju, learned counsel appearing for the petitioner and Mr.S.Manohar, learned counsel appearing for the respondents.

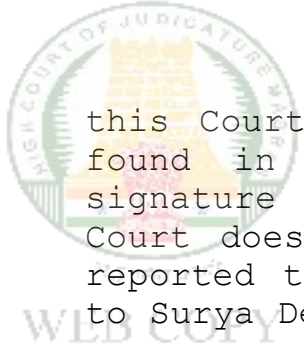
3. The learned counsel for the Railways submitted that, the contract that was awarded to the petitioner was only for a period of three months and that expired on 30.04.2017. The petitioner does not have any vested right to run the Cycle stand even after 30.04.2017. In fact the petitioner herself participated in the subsequent tender and had lost it out to Surya Devi. Suraya Devi, has quoted Rs.31,751/- which was found to be higher then that of the rate quoted by the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner had quoted Rs.33,000/- towards license fee in her tender application which is higher than the amount quoted by Suriya Devi and therefore, the petitioner should have been awarded the contract. In support of this submission, the counsel for the petitioner took this Court through Page No.18 in the petitioner's typed set of papers wherein the photocopy of the tender application finds place, in which Rs.33,000/- has been quoted. The learned counsel for the Railways produced the original file before this Court and submitted that the petitioner had quoted only Rs.31,000/- in the Tender application, but whereas in Page-18 of the typed set of papers the petitioner has filed a fabricated photocopy as if she has quoted Rs.33,000/- and has played fraud on this Court and obtained an interim order also.

5. This Court perused the original file produced by the Railways Department and compared the tender application that was submitted by the petitioner and the one found in Page-18 of the typed set of papers. On comparison of the same, what is found in Page-18 is a photo copy of the completed Tender Application that is said to have been submitted by the petitioner to the Railways, quoting an amount of Rs.33,000/- but in the original that is available in the Railways' file, a sum of Rs.31,751/- has been written by ink and all the blanks have been filled in blue ink. The signature of the petitioner is also in blue ink.

6. The learned counsel for the Railways submitted that, after coming to know that Surya Devi bagged the contract by quoting Rs.31,751/-, the petitioner must have created the tender application to the effect that she had quoted Rs.33,000/- over and above that of Suryadevi in order to get an interim order from this Court.

7. When both these documents were brought to the notice of the learned counsel for the petitioner, he contended that there is some fraud played by the Department. This Court has no reasons to suspect the Department, because the original file was examined by



this Court and on comparison of the signature of the petitioner found in the vakalat filed in this writ petition with the signature found in the original application, they tally. This Court does not want to say anything beyond this. However, it is reported that the tender has been finalised and has been awarded to Surya Devi.

8. In view of the above, the writ petition stands dismissed. Interim order already granted shall vacated.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To:

1. The Senior Divisional Commercial Manager,
Divisional Office,
Southern Railway,
Madurai.
2. The Project Director,
Woman Welfare Department,
Virudhunagar District,
Virudhunagar.

+1cc to M/S. M.VEILKANIRAJU, Advocate, SR.No.55641.
+1cc to M/S. S.MANO HAR, Advocate, SR.No.55828.

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SDS/SV/SAR 2/23.05.2017/3P/5C