

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 25.05.2017****CORAM:****THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN****W.P. (MD)No.9487 of 2017****and****W.M.P. (MD)No.7224 and 7225 of 2017**

P.Kumaravel

...Petitioner

Vs.

1. The Principal Secretary/Managing Director,
Tamilnadu civil Supply corporation,
Head Office, Chennai-600 010.

2. The Regional Manager,
Tamilnadu Civil Supply corporation,
Virudhunagar.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the entire records pertaining to the impugned order passed by the second respondent in Na.Ka.No.B1/4450/2013 Dated 26.04.2017 and the endorsement order of the first respondent in Na.Ka.No.MD9/11777/2015 Dated 03.05.2017 and quash the same as illegal.

For Petitioner : Mr.M.Murugesan

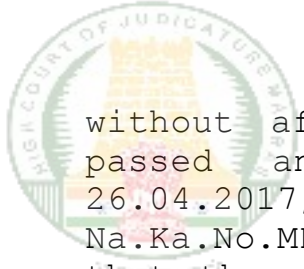
For Respondents : Mr.B.Pugalenth
Additional Advocate General
assisted by Mr.D.Maya Rajan
Government Advocate

O R D E R

The petitioner seeks for a Writ of Certiorari, to call for the entire records pertaining to the impugned order passed by the second respondent in Na.Ka.No.B1/4450/2013 Dated 26.04.2017 and the endorsement order of the first respondent in Na.Ka.No.MD9/11777/2015 Dated 03.05.2017 and quash the same as illegal.

2. The learned Additional Advocate General takes notice for all the respondents. By consent, the writ petition itself is taken up for final disposal.

3. The learned counsel appearing on behalf of the petitioner submitted that the petitioner is the transport contractor of Tamilnadu Civil Supply Corporation for the period 2015-2017 vide proceedings of first respondent, dated 18.11.2015 and the period of two years comes to an end by 30.06.2017 and normally it is being extended by three months. While so, the second respondent



without affording an opportunity of hearing to the petitioner passed an impugned order in Na.Ka.No.B1/4450/2013, dated 26.04.2017, which was also endorsed by the first respondent in Na.Ka.No.MD9/11777/2015, dated 03.05.2017. He further submitted that the reasons given for the removal of the petitioner by the second respondent is that the petitioner has not supplied sufficient lorries and failed to achieve the target, which is nothing but the subjective satisfaction arrived at by him and not an objective one and hence the impugned order of the second respondent and the endorsement order of the first respondent requires interference by this Court. The reason for black listing the petitioner is unfair and not commensurating with the objects of the contractual agreement and the Act and Rules governing the field and the arbitrary removal of the petitioner's name and black listing offends the statutory rights of the petitioner. Hence, the impugned order and the endorsement order are liable to be set aside.

4. Heard the learned Additional Advocate General appearing on behalf of the respondents.

5. In view of the averments made in the affidavit filed in support of this Writ Petition and in view of the submissions made by the learned counsel appearing on behalf of the petitioner, the impugned order of the second respondent in Na.Ka.No.B1/4450/2013, dated 26.04.2017 and the endorsement order of the first respondent in Na.Ka.No.MD9/11777/2015, dated 03.05.2017 are set aside and the Writ Petition is **allowed** and the matter is remanded back to the second respondent for fresh consideration and the second respondent is directed to consider the matter afresh and pass orders, on merits and in accordance with law, after affording sufficient opportunity to the petitioner, within a period of two weeks from the date of receipt of a copy of this order, failing which, the petitioner is permitted to continue the contract given for the period 2015-2017. No Costs. Consequently, connected petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary/Managing Director,
Tamilnadu civil Supply corporation,
Head Office, Chennai-600 010.
2. The Regional Manager,
Tamilnadu Civil Supply corporation,
Virudhunagar.

+1cc to M/s. M.MURUGESAN Advocate in SR. No.57575

+1cc to M/s. D.MAYARAJAN Advocate in SR. No.57524

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W.P. (MD) No.9487 of 2017
25.05.2017