

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.10618 of 2018
and W.M.P. No.12573 of 2018

T.Ravichandran

.. Petitioner

-vs-

Indian Oil Corporation Ltd.
rep. by its Deputy General Manager
Korrukupet Terminal,
Kathivakkam High Road,
Chennai 600 021.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified mandamus calling for the records in connection with the impugned proceedings of the respondent dated 16.04.2018 in IOC/TNP/OP/TT MALPRACTICE/5724, quash the same and consequently direct the respondent to restore the contract awarded to the petitioner in so far as Tank Truck No.TN03J5724 is concerned.

For Petitioner : Mr.O.R.Santhanakrishnan

ORDER

This writ petition has been filed challenging the impugned proceedings of the respondent dated 16.04.2018 in IOC/TNP/OP/TT MALPRACTICE/5724 and seeking a direction to the respondent to

restore the contract awarded to the petitioner in so far as Tank Truck No.TN03J5724 is concerned.

2.The case of the petitioner is that the respondent called for work order for transportation of MS/HSD and Branded Fuels Ex-Chennai Based Location against Tender Ref.RCC/SR/TNSO/PT-41/2015-16 and the said work order was given to the petitioner with effect from 01.08.2016 for a period of three years with option for extension upto further two more years as per terms and conditions of the tender. According to the petitioner, he was issued work order for 17 tank trucks including tank truck bearing No.TN03J5724 for transportation of bulk petroleum products – MS/HSD Ex-Chennai based location. While this is so, a show cause notice dated 06.11.2017 was issued by the respondent to the petitioner alleging short supply of HSD assigned through Tank Truck No.TN03J5724 sent to Ashok Leyland Ltd. and sought for explanation from the petitioner firm. A reply dated 22.11.2017 was sent by the petitioner stating that the leakage has been occurred due to wear tear in the bottom of the tank truck. However, the respondents passed an order dated 16.04.2018 whereby the petitioner's tank truck was black listed along with tank truck crew for two years with effect from 16.04.2018 on industry basis and he was imposed a penalty of Rs.1 lakh. Aggrieved by the said order, the petitioner is before this Court.

3.A perusal of reply for shortage of tank truck of the petitioner dated 22.11.2017 shows that due to bad quality of valves, all four valves started leaking and due to rain, the driver and helper could not identify as the entire ground was with rain water. Pursuant to the reply given by the petitioner, the respondent in his impugned proceedings dated 16.04.2018 has stated that as per provisions in Transport Discipline Guidelines Clause No.8.2.2, damage of Rs.1 lakh has been imposed on the petitioner apart from blacklisting of the involved tank truck. When the respondent has allotted work order for transportation of MS/HSD and Branded Fuels Ex/Chennai Based Locations against a tender, the petitioner is duty bound to safeguard the said work properly. In reply dated 22.11.2017, the petitioner himself has accepted the mistake and tendered apology for the shortages. Therefore, this Court is not inclined to entertain this petition and the same is dismissed. No costs. Consequently, connected W.M.P. is also dismissed.

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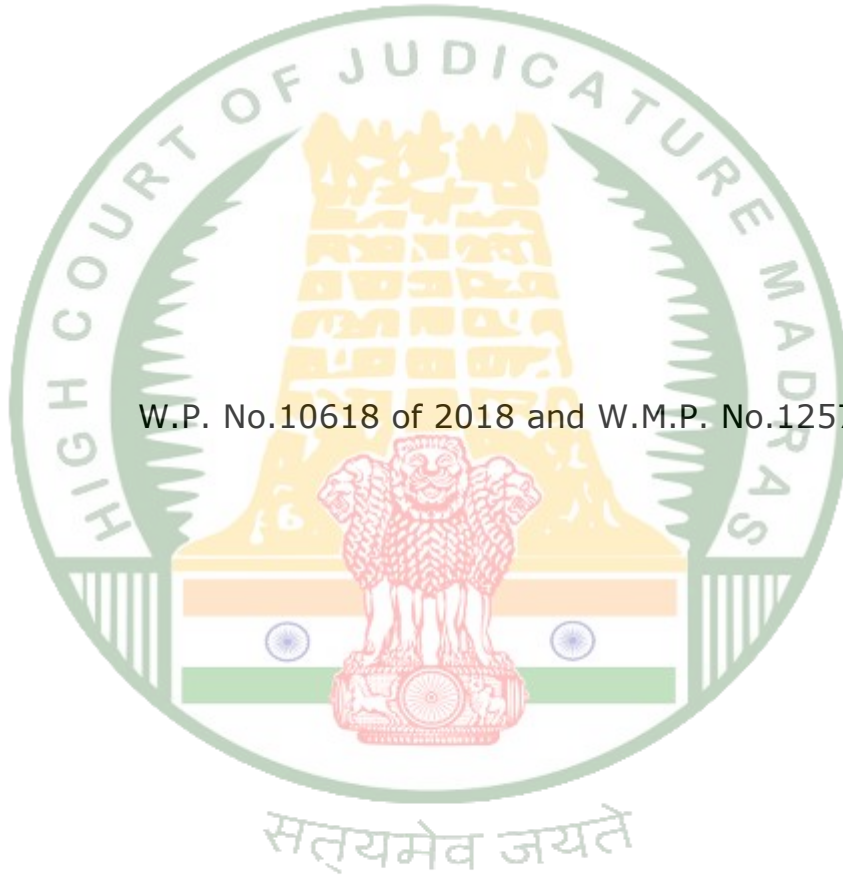
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T.RAJA, J.

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