

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 4990 of 2018

Salem District Tamil Nadu Water Supply and
Drainage Board Construction and Maintenance Contractors
Welfare Association,
Regd.No.11/2018,
Rep.by its Treasur,
L.Krishnan,
No.148, Omalur Main Road,
Amaravathi nagar, Mamangam,
Salem - 636 302. ...Petitioner

vs

1. State of Tamil Nadu rep. by its
Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
Chepauk, Chennai - 600 005.
3. The Engineering Director,
Tamil Nadu Water Supply and Drainage Board,
Chepauk, Chennai - 600 005.
4. The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
Siruvani Nagar, Coimbatore.
5. The Superintending Engineer,
Tamil Nadu Water Supply and Drainage Board,
Salem.
6. Thiru. Mathiazhagan,
Engineering Director,
Tamil Nadu Water Supply and Drainage Board,
Chepauk, Chennai - 600 005. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ or Order of Direction in the nature of WRIT OF MANDAMUS directing the respondents 1 to 5 to consider and pass orders on the representation of the petitioner dated 23.02.2018 and not to resort tenders combining all the work together as a single package with irrational conditions such as 1) Seven years of experience in executing the work, 2) Abolishing all the classification of contractors and introduce a clause that Class-I contractor alone is eligible to participate in the tender and permit all class V contractors of the members of the petitioner to participate in the tender.

For Petitioner : Mr.S.Doraisamy

For Respondents: Mrs.A.Sri Jayanthi
Special Government Pleader for R1

Mrs.R.Gandhimathi for R2 to R6

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents 1 to 5 to consider and pass orders on the representation of the petitioner dated 23.02.2001, not to resort tenders combining all the work together as a single package with irrational conditions such as 1) Seven years of experience in executing the work, 2) Abolishing all the classification of contractors and introduce a clause that Class-I contractor alone is eligible to participate in the tender and permit all class-V contractors of the members of the petitioner to participate in the tender.

2. The learned counsel appearing for the petitioner made a submission that certain irrational conditions are imposed for the benefit of certain contractors by the respondents 1 to 5. By imposing such conditions, the respondents 1 to 5 are intending to award contract in favour of few Groups of contractors depriving the other registered contractors, who all are operating contract works in the Department.

3. The grievances of the writ petitioner is that the small contractors are affected from and out of the package-wise tender issued by the respondents 1 to 5. In this regard, they made representations to the respondents on 22.02.2018 and 23.02.2018, respectively. However, the respondents have not considered the same and pass any orders.

4. Thus, this Court without going into the merits of the matter, directs the 1st respondent to consider the representation submitted by the writ petitioner and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of the copy of this order.

5. The writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sk
To

The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600 009.

+1cc to Mrs.R.Gandhimathi, Advocate Sr.53826

+1cc to Mr.S.Doraisamy, Advocate Sr.54368

+1cc to the Government Pleader Sr.54424

W.P.4990 of 2018

srg 28/08/2018

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