



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Twentieth day of December Two Thousand and Eighteen
PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN
WP(MD) No.23433 of 2018

WEB COPY

S.MANIMARAN, PROPRIETOR,
M/S.MARIAMMAN TRANSPORT, 2/146/1,
RAJAGOPAL STREET, GOMATHIPURAM 1ST MAIN STREET, MADURAI.

... PETITIONER

Vs.

1.THE MANAGING DIRECTOR
TAMIL NADU CIVIL SUPPLIES CORPORATION, 12,
THAMBUSAMY ROAD, KILPAUK, CHENNAI 10

2.THE REGIONAL MANAGER
TAMIL NADU CIVIL SUPPLIES CORPORATION,
MADURAI REGIONAL OFFICE, KURUVIKARAN ROAD,
MADURAI.

... RESPONDENTS

Prayer in WP(MD). 23433/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the second respondent to issue necessary appointment order and execute the agreement in pursuance of the proceedings issued by the 1st respondent vide Proc.No.MT9/040690/2018 dated 16.10.2018 and Proc.No.MT9/040693/2018 dated 16.10.2018 for FCI and Non FCI Tenders for Madurai Region for the period from 01.09.2018 to 31.08.2019.

ORDER:

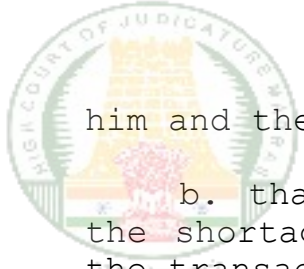
This Petition coming on for reporting compliance on this day, upon perusing the petition and affidavit and material papers of this petition and earlier order of this Court and upon hearing the arguments of Mr.D.Shanmugaraja sethupathi, Advocate for the petitioner and Mr.P.Seetharaman, Advocate for the respondents and this Court made the following order:

This writ petition has been filed today under the caption '**for reporting compliance**'.

2.As per the earlier order of this Court, dated 05.12.2018, the respondents have complied with the said order and executed the contract for appointment of transport contractor for a period from 01.09.2018 to 31.08.2019 for non FCI movement and accordingly, the petitioner Manimaran, Proprietor, M/s.Mariamman Transport, Madurai, is appointed as Transport Contractor, subject to the following terms and conditions:-

<https://hcservices.ecourts.gov.in/hcservices/>

a. that the appointment is subject to the conditions already stipulated in the tender form and as per the agreement executed by



him and the instructions of Head Office from time to time.

b. that the transport contractor will be held responsible for the shortage or damages which may arise due to any reasons during the transactions.

c. that in the event of failure of the transport contractor to arrange for the movement of stocks to Godown on any occasion, the TNCSC shall have the liberty to undertake the movement departmentally at the risk and cost of the approved transport contractor.

d. that the excess expenditure incurred over and above the corporation rate along with any other loss in departmental movement will be recovered from the transport contractor for the transport charges due to contractor from S.D. in addition to initiate penal action against the contractor.

e. that the transport contractor will be held liable to make good any loss which the TNCSC may sustain on this account.

f. that the transport charges will be paid by means of ECS/RTGS/NEFT as and when the claim is preferred by the transport contractor along with relevant documents for the movement carried out duly countersigned by the godown incharge.

g. that the Senior Regional Manager / Regional Manager reserves the right to terminate the transport contract for the dislocation of the movement work or any breach of conditions of the contract/agreement.

h. that the Transport Contractor has to follow the instructions issued by the office from time to time and in accordance with the tender conditions and agreement executed by contractor without any omission.

i. this agreement will come into force immediately and remain in force upto 31.08.2019 or such extended time up to a maximum of three months to be specified by the Corporation or till the finalization of tender / appointment of L1 tender for the next year whichever is earlier."

3.The compliance of the said order dated 05.12.2018 is hereby recorded.

Sd/-

Assistant Registrar(CO)

/True Copy/



TO
WEB COPY

- 1 THE MANAGING DIRECTOR
TAMIL NADU CIVIL SUPPLIES CORPORATION,
12, THAMBUSAMY ROAD, KILPAUK, CHENNAI 10
- 2 THE REGIONAL MANAGER
TAMIL NADU CIVIL SUPPLIES CORPORATION,
MADURAI REGIONAL OFFICE, KURUVIKARAN ROAD,
MADURAI.

+1. C.C. to M/S.D.SHANMUGARAJA SETHUPATHI Advocate SR.No.101598.

ORDER DATED :20/12/2018
ORDER
WP(MD) No.23433 of 2018

Giving direction etc., as
stated within.

DS SKN SAR3 04 01 2019 3P 4C