

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.19504 of 2018
and
WMP.Nos.22952 & 22953 of 2018

The Tamil Nadu PWD Engineering
Contractors Association
Represented by
The President
No.58, Chepauk P.W.D. Compound
Chepauk, Chennai-600 005.

... Petitioner

Vs.

1.The Secretary to Government
Finance (Salary) Department
Fort St.George,
Chennai-600 008.

2.The Secretary
Public Works Department
Fort St.George
Chennai-600 008.

3.The Engineer-in-Chief (Buildings)
Chief Engineer (Buildings), Chennai Region &
Chief Engineer (General)
Public Works Department
Chepauk, Chennai-600 005.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings No.HDO(A)/22368/2018-1 dated 22.05.2018, Proceedings No.HDO(A)/22368/2018-2, dated 22.05.2018 and Proceedings No.HDO(A)/22368/2018-3 dated 22.05.2018, quash the same and consequently, directing the respondents to re-fix the schedule of rates in accordance with the prevailing market rates after consulting the petitioner Association.

For Petitioner : Ms.D.Geetha
for Mr.R.Diwakaran

For Respondents: Mr.R.Govindasamy
Special Government Pleader

ORDER

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents.

2. The petitioner is aggrieved against the proceedings dated 22.05.2018, wherein and whereby, the Public Works Department, Government of Tamil Nadu approved the standard schedule of rates with basic rates, basic cost of cement and basic cost of steel (excluding all taxes and GST) for the year 2018-2019 and for adoption in the preparation of estimates with effect from 01.06.2018.

3. The grievance of the petitioner is that the schedule rate fixed in the impugned proceedings is without reference to the other aspects such as rates of labour, materials and work etc.,. Therefore, the petitioner filed the present writ petition sought to quash the said fixation of rate for the year 2018-2019 and consequently, sought for a direction to the respondents to re-fix the schedule rates in accordance with the prevailing market rate.

4. Though the above writ petition was filed with the larger relief, the learned counsel for the petitioner submitted that in view of the fact that the relevant financial year for which, the impugned proceedings are issued is going to be over by May 2019, this Court may direct the respondents atleast to consider the representation made by the petitioner on 20.01.2018, while fixing the new rate for the financial year 2019-2020. Therefore, the learned counsel contended that the petitioner is not pressing any relief seeking to quash the proceedings dated 22.05.2018, if the representation dated 20.01.2018 is directed to be considered.

5. The merits of the contentions raised by the petitioner in the representation at present, is not considered by this Court for expressing any view, as it is for the respondents to consider and decide the same. Since the petitioner has come forward to restrict their prayer only for disposal of their

representation, this Writ Petition is disposed of, only by directing the respondents to consider the said representation of the petitioner dated 20.01.2018 and pass orders on the same on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government
Finance (Salary) Department
Fort St.George,
Chennai-600 008.
- 2.The Secretary
Public Works Department
Fort St.George
Chennai-600 008.
- 3.The Engineer-in-Chief (Buildings)
Chief Engineer (Buildings), Chennai Region &
Chief Engineer (General)
Public Works Department
Chepauk, Chennai-600 005.

+1cc to Mr.R.Diwakaran, Advocate, S.R.No.40728
+1cc to the Government Pleader, S.R.No.41211

W.P.No.19504 of 2018

GJ(CO)
CS/13/06/2019

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