

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.5136 of 2020

Coimbatore Corporation Contractors
Welfare Association,
Registration No.81/2012,
A7 - Sundaresa Iyer Layout,
Trichy Road, Coimbatore - 641018,
Rep. by its President,
R.Udayakumar

..Petitioner

vs.

1. State of Tamil Nadu
rep. by its Principal Secretary to Government,
Public Works Department, Secretariat,
Chennai - 600009.
2. State of Tamil Nadu
rep. by its Principal Secretary to Government,
Highways & Minor Port Department,
Secretariat, Chennai - 600009.
3. The Engineer-in-Chief, WRD,
and Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai - 600005.
4. The Chief Engineer, Highways,
Construction and Maintenance,
HRS Campus, 76-Sarthar Patel Road,
Guindy, Chennai - 600025.
5. The Secretary to Government,
Finance Department Secretariat,
Namakkal Kavignar Maaligai,
Fort St. George,
Chennai - 600009.
6. The Commissioner of Municipal Administration,
Ezhilagam,
Chepauk,
Chennai - 600005.

7. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600003.
8. The Commissioner,
Coimbatore City Municipal Corporation,
Town Hall,
Coimbatore - 641001.
9. The Managing Director,
TWAD Board,
31, Kamarajar Salai,
Chepauk,
Chennai - 600005.
10. The Managing Director,
CMWSS Board,
Chennai - 600002.

... Respondents

Prayer: Writ Petition filed under Article 226 of The Constitution of India praying to issue Writ of Mandamus, directing the respondents to adopt the procedure in respect of payment of bonus for advance completion of work in the tenders issued by the respondents 3 to 10 by implementing the Government Order in G.O.(Ms).No.60, Public Works (C2) Department dated 14.03.2008 prospectively including the current work as per the representation made by the petitioner dated 04.09.2019 and 04.12.2019.

For Petitioner: Mr.S.Doraisamy
For Respondents: Ms.P.Rajalakshmi [R1 to R6]
Ms.Manimegalai [R7]
Mr.Jayaprakash Narayanan
Special Government Pleader [R8]
Mr.Franklin [R9]

O R D E R

The writ petition has been filed in the nature of mandamus seeking a direction against the respondents to adopt the procedure in payment of bonus for advance completion of work in the tenders issued by the respondents 3 to 10 by implementing the Government Order in G.O.(Ms) No.GO, Public Works (C2) Department dated 14.03.2008 prospectively including the current work as per the representation made by the petitioner dated 04.09.2019 and 04.12.2019.

2. The petitioner Coimbatore Corporation Contractors Welfare Association with Registration No.81/2012, A7 - Sundaresa Iyer Layout and represented in the present writ petition by its President R.Uday Kumar, had been formed, for the welfare of the members of Association, who are contractors in Coimbatore Corporation. It is stated that the Government had devised scheme for grant of bonus of 1% on the value of the actual quantum for advance completion of the work. In this regard, the Government Public Works Department issued an order in G.O.(Ms) No.60, Public Works (C2) Department dated 14.03.2008 introduced a Clause 8, reads as follows:

"(8) Bonus for Advance Completion of Work :

Bonus as an incentive for advance completion of work may be introduced. Any work completed in advance by not less than 10% of agreement period can be considered and bonus of 1% on the value of actual quantum of works executed at tendered rate may be paid."

3. It is stated that apart from the Public Works Department and Tamil Nadu Highways, NABARD and Rural Road Circle and the National Highways Circle have introduced and followed the Government Order in G.O.(Ms) No.60, Public Works (C2) Department dated 14.03.2008 to encourage the contractors to execute the work before the agreement period. Further, the Departments in the State of Tamil Nadu and Corporations are also following the guidelines. The grievance of the petitioner is that the members of the petitioner Association have not been granted such bonus in accordance with G.O.(Ms) No.60.

4. Ms.P.Rajalakshmi, learned Additional Government Pleader appearing on behalf of the respondents 1 to 6, had forwarded the proceedings of the Superintendent Engineering, Coimbatore dated 30.05.2019 in KNTRP204/2016-2017eva-2 by which one contractor by name Ammasaiyappan, had been granted similar benefits and therefore, as per the Government Order, every contractor who completes work within a stipulated period is being granted 1 % of bonus. However, the respondents have not replied the representation of the petitioner. Consequently, Mandamus issued directing the respondents to look into the representation of the petitioner dated 04.09.2019 and 04.12.2019 and pass orders in accordance with law.

5. The 4th respondent may also call the petitioner in person and enquire into the grievances of the petitioner and at any rate, the respondents are requested to pass orders on the representation on or before 20.03.2020.

6. Accordingly, the writ petition stands disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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State of Tamil Nadu
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Chennai - 600009.
2. Principal Secretary to Government,
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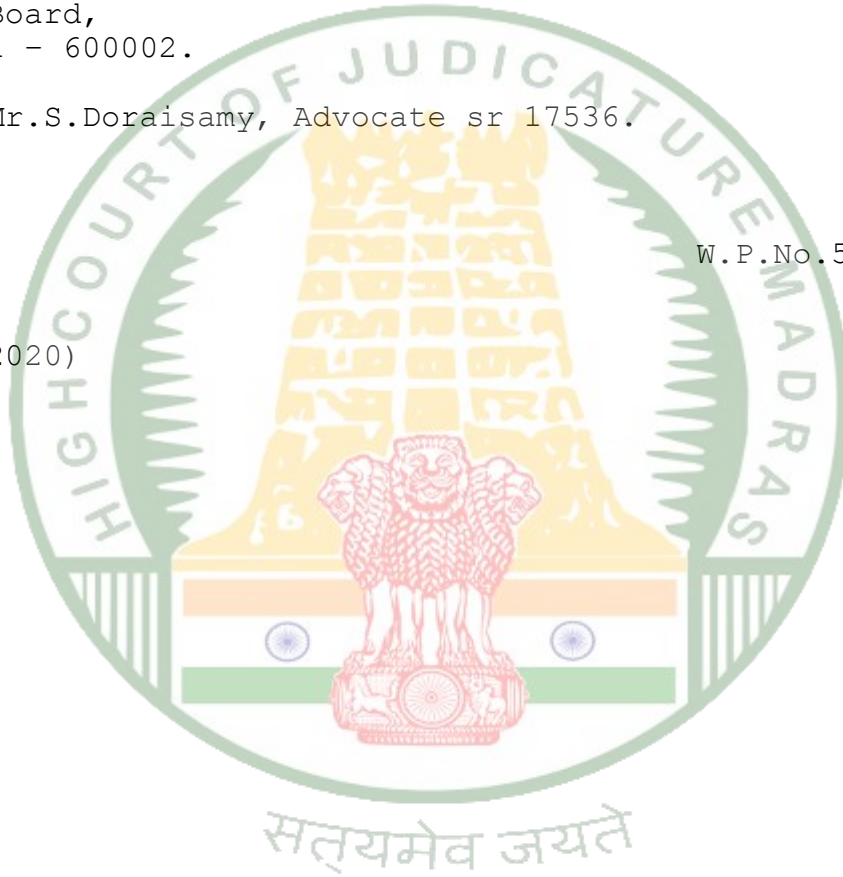
9. The Managing Director,
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Chennai - 600005.

10. The Managing Director,
CMWSS Board,
Chennai - 600002.

+1 CC to Mr.S.Doraisamy, Advocate sr 17536.

W.P.No.5136 of 2020

SV(CO)
SP(20/07/2020)



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