

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.14099 of 2020

G.Sheela

..Petitioner

Versus

1.Union of India represented by
The Chief Secretary to the Government
of Puducherry,
Puducherry.

2.The Secretary to Government,
Co-operative Department,
Puducherry.

3.The Registrar of Co-operative Societies,
Puducherry.

4.The Administrator
Puducherry Milk Producers Co-operative Union,
Kurmampet,
Puducherry.

..Respondents

Prayer:- Writ petition filed under Article 226 of the
Constitution of India praying for issuance of a writ of mandamus
directing the respondents 2 and 3 to consider the representation
of the petitioner dated 12.09.2020.

For Petitioner : Mr.M.Devaraj
for Mr.M.Rajkumar

For respondent : Mr.A.V.Ramalingam
Additional Government Pleader
(Puducherry)

ORDER

This Writ Petition has been filed for issue of writ of
mandamus directing the respondents to consider the
representation made by the petitioner on 12.09.2020.

2. The case of the petitioner is that she was a successful
bidder in the e-tender that was published on 11.07.2019 and she
was L1. Thereafter, the petitioner was also called for price

negotiation and what remained was only awarding of contract. The further case of the petitioner is that all of a sudden, the respondents proceeded to float a new tender on 24.08.2020. The petitioner made representations to respondents 2 to 4 to award the contract on the basis of the concluded tender published on 11.07.2019. Since, the representations were not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr.M.Devaraj, learned counsel appearing on behalf of the petitioner and Mr.A.V.Ramalingam, learned Additional Government Pleader (Puducherry) appearing on behalf of the respondent.

4. It is brought to the notice of this Court that even the subsequent tender that was published on 24.08.2020 was cancelled. Therefore, the earlier tender published on 11.07.2019 and the subsequent tender published on 24.08.2020 have been cancelled by the respondents. In view of this development, there is nothing to be considered by the respondents insofar the representation made by the petitioner. Even if the petitioner had been called for price negotiation, that by itself does not give any right to the petitioner to seek for awarding the contract in her favour.

5. The learned counsel for the petitioner submitted that the petitioner is being engaged by the respondents till date for milk supply. The learned counsel further submitted that even though the petitioner is not entitled for any revision of rates during the currency of the tender period, the petitioner has been providing services beyond the tender period and due to the increase in the diesel cost, the petitioner is finding it very difficult to sustain with the rate that is paid by the respondents. The learned counsel for the petitioner submitted that the respondents can be directed to consider the grievance of the petitioner for revision in the rates paid to the petitioner.

6. In the considered view of this Court, the request made by the learned counsel for the petitioner does not have any nexus to the cause of action which gave rise to the filing of the present writ petition. The grievances expressed by the petitioner is an independent cause of action which requires to be independently pursued by the petitioner. It is always open to the petitioner to make a representation in this regard and the respondents can always consider the same on its own merits. Beyond this no further directions can be issued by this Court in the present writ petition.

7. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Chief Secretary to the Government of Puducherry,
Union of India
Puducherry.

2.The Secretary to Government,
Co-operative Department,
Puducherry.

3.The Registrar of Co-operative Societies,
Puducherry.

4.The Administrator
Puducherry Milk Producers Co-operative Union,
Kurmampet,
Puducherry.

+1cc to M/s.S.Kishore kumar, Advocate, S.R.No.35142

+1cc to the Government Pleader, S.R.No.35340

WP.No.14099 of 2020

GP(CO)
RV(11/12/2020)

सत्यमेव जयते

WEB COPY