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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.2475 of 2020
and
W.M.P.NO.2870 of 2020

S. Stalin Babu

Vs

.....Petitioner

1. Oil and Natural Gas Corporation Ltd.,
Rep by its General Manager,
Incharge-Material Management,
Materials Management Department,
Cauvery Asset, Neravy Complex,
Karaikkal, Puduchery.
2. The Executive Director Asset Management,
Oil and Natural Gas Corporation Ltd,
Cauvery Asset, Neravy Complex,
Karaikkal, Puduchery.
3. The Chief General Manager (MM)
Oil and Natural Gas Corporation Ltd.,
Cauvery Asset, Neravy Complex,
Karaikkal, Puduchery
4. M/s Karthikeyan Travels,
Rep by proprietor
Kumbakonam.
5. M/s. Vinolia Tourist Cabs,
Rep by its proprietor
Puducherry.
6. M/s. Joe Transport,
Rep by Proprietor
Nagapattinam
7. M/s.Sundhararaaman Transport,
Rep by Proprietor
Nagapattinam

....Respondents

PRAYER: Petition under Article 226 of the Constitution of India
to issue a Writ of declaration declaring the contract awarded



by respondents 1 to 3 to respondent 4 to 7 in respect of notification dated 14.08.2019 in File No.KKL/CAU-ASSET/SUPPORT/MM/2019/425411 and correction to tender vide proceedings dated 21.08.2019 as null and void.

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For petitioner : Mr. N.A. Nissar Ahmed

For Respondents 4 to 7 : Mr. R. Ravi

For Respondents 1 to 3 : Mr. P.N. Radhakrishnan

ORDER

The petitioner has filed this Writ petition seeking issuance of Writ of declaration or any other appropriate writ or order or direction in the nature of writ, declaring the contract awarded by respondents 1 to 3 to respondent 4 to 7 in respect of notification dated 14.08.2019 in File No.KKL/CAU-ASSET/SUPPORT/MM/2019/425411 and correction to tender vide proceedings dated 21.08.2019 as null and void.

2. The case of the petitioner is that is a driver working on contract basis with the ONGC Transport contractors and he is also one of the office bearers of CITU Labour Union working for the welfare of the contract labourers. While being so, the Respondents 1 to 3 have invited bids for hiring services of 26 lights vehicles for a period of three years vide notification dated 14.08.2019 however, certain stipulations were laid down with regard to wage policy to be complied with under special contracts of labour to become a successful bidder. Such being the case, the Respondents 4 to 7 herein are L1 to L4 respectively who after negotiation quoted Rs.2394/- for the purpose of operating the vehicles per day cannot be accepted since the salary of the drivers as per the wage policy is Rs.3276/- and it would incur a loss of Rs.865.53/- to the lowest bidder. In order to protect the interests of the labours, the present Writ Petition is filed.

3. Learned counsel appearing for the petitioner submits that when the wage of the drivers is more than the rate quoted by the bidder, the whole tender process and the subsequent award of the tender is only a sham and it is only for some ulterior motive which is known only to the respondent. Therefore, with a view to safeguard the labourers, the present writ petition has been filed.

4. Per contra, learned counsel appearing for the respondent submitted that the petitioner is not an employee with the respondent and he is only a contract labourer under a contractor driving a vehicle. Merely because an amount of



Rs.3276/- was being paid as wages to the drivers by the contractors, that would not be the yardstick to decide the rate to be quoted by the tenderers for the purpose of placing the vehicles at the disposal of ONGC. The vehicles given to ONGC along with drivers are within the purview of the contractors and the respondents are in no way concerned with the rates/wages given to the drivers and moreover, the petitioner in no way being connected either with the tender process as an unsuccessful tenderer or an employee of the respondents, the petitioner has no locus to file this petition and, accordingly, prays for dismissal of the present petition.

5. This Court paid its careful consideration to the submissions advanced by the learned counsel on either side and perused the materials available on record.

6. It is not the case of the petitioner that he is either an unsuccessful tenderer or an employee under the respondents. The grievance expressed by the petitioner is that the amount quoted for the tender by the successful bidder is less than the amount that was being paid to the drivers earlier in point of time. It is to be pointed out that it is a mere allegation raised by the petitioner against the whole tender process and there are no other materials to substantiate the same. Further, payment of wages is within the purview of the contractor and the respondent is in no way connected with the same. Further, none of the persons, who are acting as drivers have come forward with any grievance and it is not the case of the petitioner that he had acted as a driver and had received lesser wages than the one which was agreed by him. That being the case, filing of the present petition by the petitioner is not maintainable. The petitioner cannot espouse the cause of other drivers when he is in no way affected and, if at all, he wants to espouse their cause, the course open to the petitioner is to file a public interest litigation and not by filing the present petition.

7. For the reasons aforesaid, no grounds are made out for entertaining this writ petition and being devoid of merits, the same is dismissed. Consequently, connected miscellaneous petitions is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

NHS



To

1. The General Manager,
Oil and Natural Gas Corporation Ltd.,
Incharge-Material Management,
Materials Management Department,
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Karaikkal, Puduchery.
2. The Executive Director Asset Management,
Oil and Natural Gas Corporation Ltd,
Cauvery Asset, Neravy Complex,
Karaikkal, Puduchery.
3. The Chief General Manager (MM)
Oil and Natural Gas Corporation Ltd.,
Cauvery Asset, Neravy Complex,
Karaikkal, Puduchery

+1cc to M/s.N.A.Nissar Ahmed, Advocate, S.R.No.57767

W.P.No.2475 of 2020
&
W.M.P.2870 of 2020

PL(CO)
SB(01/03/2022)