



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No. 2784 of 2015

and

M.P. Nos. 1 and 2 of 2015

E.Rajadurai

.. Petitioner

Vs

1. The Union of India,
Rep. by its Secretary,
Ministry of Defence,
North Block, New Delhi - 110 001.
2. The Secretary,
Director General Ordinance Factory Board,
Ayudh Bhavan, No.10, SK Bose Road,
Kolkatta - 700 001.
3. The General Manager,
Cordite Factory
Aruvankadu - 643 202,
Nilgiris District.
4. The Controller of Finance Accounts (Factories),
HVF Complex, Avadi,
Chennai - 600 054.
5. M. Sundararajan .. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the third respondent proceedings in No.106CWEP014000028 dated 17.12.2014 in favour of fifth respondent and the orders passed by the third respondent in No.13300/EO/EMD dated 26.11.2014 and No.13300/EO dated 19.12.2014 issued to the petitioner and quash the same and consequently direct the third respondent to conduct fresh tender in the repairs to fencing of CF Estate at Cordite Factory, Aruvankadu.



For Petitioner : Mr.T.Sundaravandanam
For Respondents : Mr.A.Kumaraguru
CGSC for R1 to R4
Mr.P.Muthukumar for R5

O R D E R

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The order dated 26.11.2014, 17.12.2014 and 19.12.2014 are sought to be quashed.

2. The grievances of the petitioner is that the fifth respondent Engineering Contractor who had quoted higher amount in the tender was awarded with the contract and therefore the authorities have committed an irregularity. It is contended that the petitioner had quoted lesser amount than that of the amount quoted by the fifth respondent. But the fifth respondent was conferred with the tender and the job was also executed.

3. In view of the fact that six years lapsed, however, the authorities have to verify whether such an irregularity occurred at the instance of the officials concerned, if the statement of the petitioner is correct with reference to the records then the officials who are responsible must be prosecuted for committing irregularities and illegalities. Thus, the first and second respondents are directed to verify the records and take a decision as expeditiously as possible.

4. Accordingly, this Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

RAP / vji

To

1. The Secretary,
The Union of India,
Ministry of Defence,
North Block, New Delhi - 110 001.



2. The Secretary,
Director General Ordinance Factory Board,
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3. The General Manager,
Cordite Factory
Aruvankadu - 643 202, Nilgiris District.

4. The Controller of Finance Accounts (Factories),
HVF Complex, Avadi,
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+1CC to M/s.N.Rajaraman, Advocate, SR.No. 50711

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BS(CO)
B.VC (20/10/2021)