



W.P(MD)No.7297 of 2012

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7297 of 2012

and

M.P(MD)Nos.1 & 2 of 2012

A.Saravanan

... Petitioner

Vs.

The General Manager,
B.S.N.L,
Madurai-625 002.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records connected with notice inviting tender in pc1-3-35/RE-TENDER/MAN POWER ASST. TO BSNL STAF IN ATTENDING Cable Faults/MA SSA/2012-13/2 DTD AT MA THE 09.05.2012, dated 09.05.2012 on the file of the respondent and quash the same as illegal.

For Petitioner : Mr.R.Alagumani

For Respondent : Mr.A.Hajamohideen



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ORDER

The present Writ Petition has been filed challenging a tender notification issued by BSNL for carrying out cable work for the period of one year from 09.05.2012.

2. According to the learned Counsel for the writ petitioner, he is a Cable Worker and he is a member of Tamil Nadu Cable Contract Workers Union. According to him, he is aggrieved by the clause 10.2 of the tender notification, which declares about the percentage of deduction towards ESI contribution from the contractor. As per the clause 10.2, the contractor has to recover 1.75% from the labourers and remit the same to the ESI authorities along with his contribution of 4.75%. According to the learned Counsel for the writ petitioner, this is clearly in violation of the ESI Act, 1948.



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3. Per contra, the learned Counsel appearing for the BSNL has submitted that to the tender notification, dated 09.05.2012, a corrigendum has been issued on 28.05.2012, rectifying the said mistake. According to the learned Counsel for the respondent, the contractor has to deduct 4.75% and not 1.75%. The said fact has been clarified in the corrigendum. Hence, the grievance ventilated by the writ petitioner has already been addressed in the corrigendum to the impugned tender notification.

4. I have carefully considered the submissions made on either side.

5. The grievance ventilated by the worker with regard to the percentage of ESI deduction from the labourer has been rectified by issuing a corrigendum by the BSNL on 28.05.2012. That apart, the said tender notification is only for a period of covering 2012 to 2013.



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6. In view of the above said facts, nothing survives to be adjudicated in the present writ petition. Therefore, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No
Internet : Yes / No
btr

To

The General Manager,
B.S.N.L,
Madurai-625 002.



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R.VIJAYAKUMAR ,J.

btr

Order made in
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