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W.P.No.32892 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.32892 of 2017
and
WMP.Nos.36261 & 36262 of 2017

Minjur Podhu Thozilalargal Sangam,
Rep. by its President,
B.T.R Ninaivagam, Athipattu Pudu Nagar,
Chennai – 600 120.

...Petitioner

Vs.

1. Kamarajar Port Ltd.,
Rep. by its Chairman & Managing Director,
Athipattu, Vallur Post, Chennai – 600 120.
2. Deputy General Manager(C),
Kamarajar Port Ltd.,
Athipattu, Vallur Post, Chennai – 600 120.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the tender notification issued by the 2nd respondent in e-Procurement Mode Tender No.KPL/OP/ELE/14/2017 uploaded in the website on 28.11.2017, quash the same and consequently direct the respondents to absorb all the 25 workmen whose names are given in the Typed Set, as per the award dated 18.07.2017 passed by the Central Government Industrial Tribunal cum Labour court in I.D.No.90/2015, with effect from 07.10.2008, with appropriate scales of pay and other benefits, as applicable to permanent workmen, together with arrears and interest at the rate of 7.5% from the date of the award, award costs.



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For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.G.Anand,
for M/s.T.S.Gopalan & Co.

ORDER

The petitioner has come up with this Writ petition seeking quashment of the tender notification issued by the 2nd respondent in e-Procurement Mode Tender No.KPL/OP/ELE/14/2017 and for a consequential direction to the respondents to absorb all the 25 workmen, as per the award dated 18.07.2017 made in I.D.No.90/2015, with effect from 07.10.2008, with appropriate scales of pay and other benefits, as applicable to permanent workmen, together with arrears and interest at the rate of 7.5% from the date of the award, award costs.

2. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that, though the present Writ petition has been filed challenging the tender notification issued by the 2nd respondent in e-Procurement Mode Tender No.KPL/OP/ELE/14/2017, which was uploaded in the website on 28.11.2017, however, during the pendency of the Writ petition, as per the interim order of this Court dated 18.12.2017, the service



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of the members of the petitioner union were continued and they joined the new contractor as per the tender notification dated 28.11.2017.

3. In view of the above, this Court is of the view that, no further adjudication is necessary in this Writ Petition and accordingly this Writ petition stands closed, without prejudice to the petitioner union's rights in terms of the award dated 18.07.2017 made in I.D.No.90/2015. No costs. Consequently, connected Miscellaneous petition is closed.

13.09.2023
(1/2)

skt

NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

To

1. Kamarajar Port Ltd.,
Rep. by its Chairman & Managing Director,
Athipattu, Vallur Post, Chennai – 600 120.
2. Deputy General Manager(C),
Kamarajar Port Ltd.,
Athipattu, Vallur Post, Chennai – 600 120.

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WMP.No.36260 of 2017

in

W.P.No.32892 of 2017

M.DHANDAPANI., J.

Dispensed with for the present.

13.09.2023

(2/2)

skt