



W.P(MD)No.11530 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11530 of 2015

M.Krishnakumar

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Public Works Department,
Fort St.George,
Chennai-600 009.
- 2.The Government of Tamil Nadu,
Rep. by its Secretary,
Finance Department,
Chennai-600 009.
- 3.The Chief Engineer,
Public Works Department (WRO),
Madurai Region,
Madurai.
- 4.The Superintending Engineer,
Public Works Department (WRO),
Thamirabarani Basin Circle,
Tirunelveli.
- 5.The Executive Engineer,
Public Works Department (WRO),
Kothaiyar Basin Division,
Nagercoil, Kanyakumari District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 5th respondent vide Letter No. 218/2014/THA2, DATED 02.03.2015 quash the same and direct the respondents to pay the 1% bonus amount and final bill amount along with interest in respect of contract work namely Construction of Groyne at Enaymputhanthurai in Vilavancode Taluk of (Balance Work) within the time stipulated by this Court.

For Petitioner : Ms.J.Anandhavalli

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard both sides.

2. The writ petition was filed for directing the respondents to pay the balance final bill amount and also pay 1% bonus amount. The petitioner's counsel would argue that the petitioner had complied with the contractual terms and conditions and that the work was done in two months and that therefore, the petitioner is entitled to 1% bonus amount. During the pendency of the writ petition, the final bill amount had been settled. But the bonus amount had not been settled. In the counter affidavit, the Executive Engineer, Public Works Department (WRO) had only stated that since the contractor had violated the



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agreement conditions, he was not paid the 1% bonus amount for the work. This is a vague stand. Therefore, the issue is remitted to the file of the fifth respondent. The fifth respondent shall send a communication to the petitioner setting out the reasons as to why bonus is not being paid to the petitioner. The petitioner will be entitled to controvert the same by filing his response. Thereafter, the fifth respondent shall pass a speaking order. If the final order is adverse to the petitioner, it is open to the petitioner to move this Court again. This exercise will be completed within a period of 16 weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter.

3. The Writ Petition is disposed of accordingly. No costs.

25.09.2023

Index : Yes / No
Internet : Yes/ No
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To

1.The Secretary,
Public Works Department,
Fort St.George,
Chennai-600 009.

2.The Secretary,
Finance Department,
Chennai-600 009.



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- 3.The Chief Engineer,
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Madurai.
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Public Works Department (WRO),
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Tirunelveli.
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