



W.P(MD)No.1135 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition(MD)No.1135 of 2024

T.Jayaraj

... Petitioner

-Vs-

1.The Principal Secretary,
Highways Department,
St. George Fort, Chennai.

2.The General Director
Vigilance and Anticorruption,
No.293, M.K.N. Road,
Alandur, Chennai – 600 016.

3.The Deputy Superintendent of Police,
Vigilance and Anticorruption,
Manikam Nagar,
Shanthi Nagar,
Tirunelveli.

4.The Superintending Engineer,
Highways C & M Circle,
Tirunelveli – 2.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the first respondent to direct the fourth respondent to provide work order based on the petitioner's representation dated 07.11.2023 and enquiry report submitted by the third respondent.



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For Petitioner : Mr.R.Jeya Revathy
For Respondents : Mr.SRA.Ramachandran
Addl. Govt. Pleader for R1 & R2
Mr.S.S.Mathavan
Govt. Advocate for R3

ORDER

The petitioner seeks a direction to the fourth respondent to provide work order based on his representation dated 07.11.2023 and enquiry report submitted by the third respondent.

2. According to the petitioner, he is the 1st Class Contractor and he has done many Highways contraction works on time without any blemish. In the year, 2022, one Subramanian, Former Superintending Engineer issued a tender notification dated 28.02.2022. The price bid was opened on 26.03.2022 and there were five bidders including the petitioner, who are the lowest bidders as the petitioner quoted 5% less than the estimated cost, while other four bidders quoted much higher than the estimated cost. However, the bid was cancelled for the reason that the other four bidders did not submit EMD original. Hence, the petitioner has approached this Court and filed W.P(MD)No.7428 of 2022 seeking a direction to the respondents 2



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and 3 to investigate the malpractices adopted in the tender evaluation and earth out the considerable consideration involved in the tender process of cancelling the lowest accepted bid for re-tender to prefer their person on political choice for the project in Serial No.1 of Tender Notice No. 34/2021-2022-/HDO, dated 28.02.2022 of the fourth respondent. This Court vide order dated 20.04.2022, directed the third respondent police to conduct enquiry on the complaint lodged by the petitioner. The third respondent in his enquiry confirmed that the said Subramanian, the tender accepting authority, in order to choose a person of his choice in violation of tender rules and practice and the said enquiry report was forwarded to the Director, Vigilance and Anticorruption, Chennai. In the meanwhile, the work order was issued to one B.Rahul by the said Subramanian and the same was forwarded to the first respondent for approval. Hence, the petitioner has sent a representation to the fourth respondent on 07.11.2023, wherein, he has stated that though he was the lowest bidder, due to the above said allegation, no tender was allotted to him and based on the order dated 25.05.2022 made in W.P(MD)No.7428 of 2022, the work order has to be given to him. Since the said representation has not been considered so far, he has filed the present writ petition seeking the above said relief.



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3. According to the respondents, appropriate action has been taken against the said accused officer Subramanian and the charges were framed against him.

4. Considering the facts and circumstances of the case, this Court directs the respondent authorities to conduct fresh auction regarding the subject matter work after cancelling the work order, if any, issued to the other person, in the manner known to law, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is permitted to take part in the fresh auction.

5. With the above direction, this Writ Petition stands disposed of. No costs.

14.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
skn



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V.BHAVANI SUBBAROYAN, J.

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