
(2007) 11 MAD CK 0246
In the Madras High Court
Case No : Writ Petition No. 12870 of 2007

Mrs. Manonmani	Vs	APPELLANT
Heavy Vehicles Factory and Others		RESPONDENT

Date of Decision : 28-11-2007

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2007) 11 MAD CK 0246

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : V. Babu, for the Appellant; Ullasavelan, for the Respondent

Final Decision : Dismissed

Judgement

M. Jaichandren, J.—Heard Mr.V.Babu, the learned Counsel appearing for the petitioner and Mr.B.Ullasavelan, the learned Counsel

appearing for the first respondent.

2. It is stated by the petitioner that she is the proprietrix of M/s.Manonmani Agencies, which is engaged in the supply of labourers on contract to

the Central Government establishments in Chennai. M/s.Manonmani Agencies is a registered contractor with the first respondent. The said agency

is also registered with the Employees Provident Fund Organisation and had also applied for registration under the Employees State Insurance

Corporation. It has been further submitted that the first respondent had called for tenders from the registered contractors to supply labourers

through 36 tender schedules, out of which 9 tenders were for supply of more than 20 labourers. The petitioner's agency had submitted tender

forms for all the 36 tender schedules. It is further submitted that a total number of 12 persons had submitted tenders in respect of 9 tender

schedules, which required the supply of more than 20 labourers. Only the petitioner agency and another individual were having the registration code in respect of the Employees Provident Fund and Employees State Insurance. Since the first respondent had clearly mentioned in the tender forms that tenders without the registration code numbers in respect of Employees State Insurance and Employees Provident Fund would be ignored, the first respondent ought to have rejected all the tenders, except the two tenders, which had complied with the tender terms. However, the first respondent had issued supply orders to the respondents 2 to 9 illegally, contrary to the tender terms, even though they were not eligible to submit tenders in respect of 9 tender schedules, which required the supply of more than 20 labourers. In spite of the representations made by the petitioner, the first respondent had confirmed the supply order in favour of respondents 2 to 9, for the supply of labourers, pursuant to the tender process, dated 23.03.2007. Aggrieved by the said action of the first respondent, the petitioner had come before this Court by way of the present writ petition, invoking Article 226 of the Constitution of India.

3. In the counter affidavit filed on behalf of the first respondent, the claims made by the petitioner have been denied. It has been stated that it is incorrect for the petitioner to state that there was no specific requirement for a contractor to quote the Employees Provident Fund and Employees State Insurance registration numbers in their offer. In fact, the petitioner had not quoted Employees State Insurance registration number in her offer. Therefore, the petitioner's statement that she and another contractor alone were having registration code in respect of Employees Provident Fund and Employees State Insurance is not correct. The petitioner's statement that without the registration code the tender enquiries shall be ignored is a wrong statement. The contractors were selected based on their tenders, which quoted the lowest amounts. Since, the tender submitted by the petitioner quoted higher amounts, as compared to the tenders submitted by the selected contractors, the petitioner's tender could not be approved by the first respondent. Further, the petitioner was registered with the first respondent vide letter, dated 21.11.1996, for a period of three years. Thereafter the petitioner had applied for the re-registration, on 11.1.2007, and the request has been under consideration. It has been further stated

that the work relating to which tenders were called for had commenced, on 1.04.2007, and it has been completed on 28.07.2007. Therefore, the writ petition filed by the petitioner has become infructuous.

4. Considering the submissions made by the learned Counsels appearing on behalf of the parties concerned, this Court is of the considered view

that the petitioner has not shown sufficient cause or reason to grant the relief as prayed for in the writ petition. Further, from the records available

before this Court, it is seen that the work for which the tenders were called for had commenced on 01.04.2007 and had been completed on

28.07.2007. It is also clear that the selected contractors had quoted the lowest amounts for the supply of labourers, as required by the first

respondent.

5. In such circumstances, the petitioner is not entitled for the relief sought for in the writ petition. Hence, the writ petition stands dismissed. No

costs. Consequently, connected M.P. No. 1 of 2007 is closed.