



IN THE HIGH COURT OF JUDICATURE AT BILASPUR (.C.G.)

W.P.NO. 222 OF 2001

BETWEEN

M/s Paradise Detective Security Force, Bilaspur, through
Proprietor Shri H.L. Tripathi S/o Ramrasile Tripathi,
aged about 35 years, r/o Nayapara, Kirti Nagar, P.S.
Tar Bahar, District Bilaspur.

PETITIONER

AND

1. Department of Telecommunication, through
General Manager, Raipur Area, Raipur (C.G.)
2. Divisional Engineer (Phones)
O/O Telecom District Manager, Bilaspur .
3. Taj Industrial Security Services, through
Harbhajan Singh,
Bilaspur.

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION
OF INDIA

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आदेश पत्रक

मामला क्रमांक

W.P. 228/

सन् 2001

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>27.02.2004</u></p> <p>Smt. Renu Kochar, counsel for the petitioner.</p> <p>Shri Pankaj Shrivastava, Advocate, appears on behalf of Shri V.V.S. Murthy, Additional Central Govt. Standing Counsel for respondents 1 & 2.</p> <p>None appears on behalf of respondent No.3. No representation is made.</p> <p>Heard both the counsel.</p> <p>By this writ petition under Article 226/227 of the Constitution of India, the petitioner has sought following reliefs: -</p> <ol style="list-style-type: none"> 1. The impugned tender notice dated 16.11.2000 (Annexure P-2) be quashed; 2. Respondents 1 & 2 may kindly be commanded to issue work order in compliance of the acceptance letter dated 21.07.2000; and 3. The respondents be directed to issue fresh tender notice and give an opportunity for participation of the petitioner along with the other contesting candidates; and other relief. <p>Return of this writ petition has already been filed by respondents 1 & 2, in which it has been mentioned that earlier tender notice dated 19.06.2000 for which the acceptance letter dated 21.07.2000 to the petitioner was issued was cancelled on 16.09.2000, the petitioner was intimated about the same and the tenders were invited afresh vide notice dated 16.11.2000 which was published in the newspaper. The petitioner applied for refund of the earnest money deposit on 25.09.2000 and he also participated in the tender dated 16.11.2000. Copy of the application for refund of E.M.D. is Annexure P-3. In view of the second notice inviting</p>	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक W.P.228/ सन् 2001

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
Soma	<p>tenders, the tender of successful bidder was accepted and agreement was executed between respondent No.3 and the Department on 30th January, 2001.</p> <p>Learned counsel for respondents 1 & 2 submits that the tender was only for the year 2001 and the work has already been executed and the petitioner himself participated in the fresh tender and work was allotted to respondent No.3. Therefore, this writ petition itself does not survive for the reason that the work has already been executed.</p> <p>In the circumstances, since the work order has already been issued to respondent No.3 and the work has already been executed, the reliefs sought by the petitioner cannot be granted. Therefore, this cause of action does not survive. However, if the petitioner has any grievance against the work order issued to respondent No.3, he is at liberty to pursue such remedy which is available to him under the law.</p> <p>With the above observations, the petition stands disposed of.</p> <p>Consequently, M.(W.)P.No.436/2003 also stands disposed of.</p>	<p>Sd/- L.C. Bhadoo Judge</p>