

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21786 of 2015

and

M.P.No.1 of 2015

M/s.Gautham Detective and Security Services Pvt. Ltd.,
Rep. by its General Manager,
No.5/2, Kamakshi Colony, 3rd Street, GST Road,
Tambaram Sanatorium, Chennai - 47. .. Petitioner

- Vs -

1. The Perumbalur Sugar Mills Limited,
Rep. by its Managing Director,
Chennai - 600 035.
2. The Chief Executive,
The Perumbalur Sugar Mills Limited,
Eraiyur Village, Perambalur District. .. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to conduct the tender for security guard in the fair and transparent manner especially in consonance with clause 9 and 13 of the tender conditions issued by the 2nd respondent bearing reference No.17/2013/LWO, dated 28.06.2015.

Petitioner : Mr.L.Azhagu Narayanan
for M/s.RRN Legal

For Respondents : Mr.R.Bala Ramesh
Additional Government Pleader

O R D E R

By consent, the writ petition is take up for final disposal.

2. The petitioner claims that it is a well reputed company providing professional security services in South India. It is an ISO 9001-2008 certified company and duly registered with Government statutory Bodies like ESI, EPF and Service Tax. The petitioner would further states that the second respondent has called for tender on 28.06.2015, calling upon eligible Security Agencies for supply of Security persons to work as Security Guards on contract basis and the tender clause stipulates that the relevant Labour Laws should be strictly complied with. The petitioner would

further submit that in respect of tender form for the year 2014, which was awarded in favour of another agency as it quoted much lesser price than that of the petitioner agency. The said agency has quoted wages much lesser than the wages prescribed under the Minimum Wages Act and other statutory enactments. The petitioner in this regard, has sent a representation in the form of e-mail dated 17.07.2015 to the respondents bringing to their knowledge about the said fact and requested that its objections dated 22.07.2014 with regard to the said concern flouting the relevant Labour Laws be considered. The petitioner would further submit that in the present tender also in Clause No.9, adherence to the Labour Laws is provided and going by its experience, the petitioner apprehend that this year also it would not be complied with and hence it sent an e-mail dated 17.07.2015 to the respondents and since he has not been favoured with any response, has come forward to file this writ petition.

3. Heard the submissions of Mr.L.Azhagu Narayanan, learned counsel appearing for the petitioner and Mr.R.Bala Ramesh, learned Additional Government Pleader accepts notice for the respondents.

4. This Court without going into the merits of the case as projected by the petitioner, permits the petitioner to submit one more representation to the second respondent along with a copy of this order by enclosing a copy of his earlier representation dated 22.07.2014 as well as e-mail dated 17.07.2015 within one week from the date of receipt of a copy of this order and the second respondent on receipt of the same, shall consider the said representation and dispose of the same in accordance with law within a period of two weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Perumbalur Sugar Mills Limited,
Chennai - 600 035.

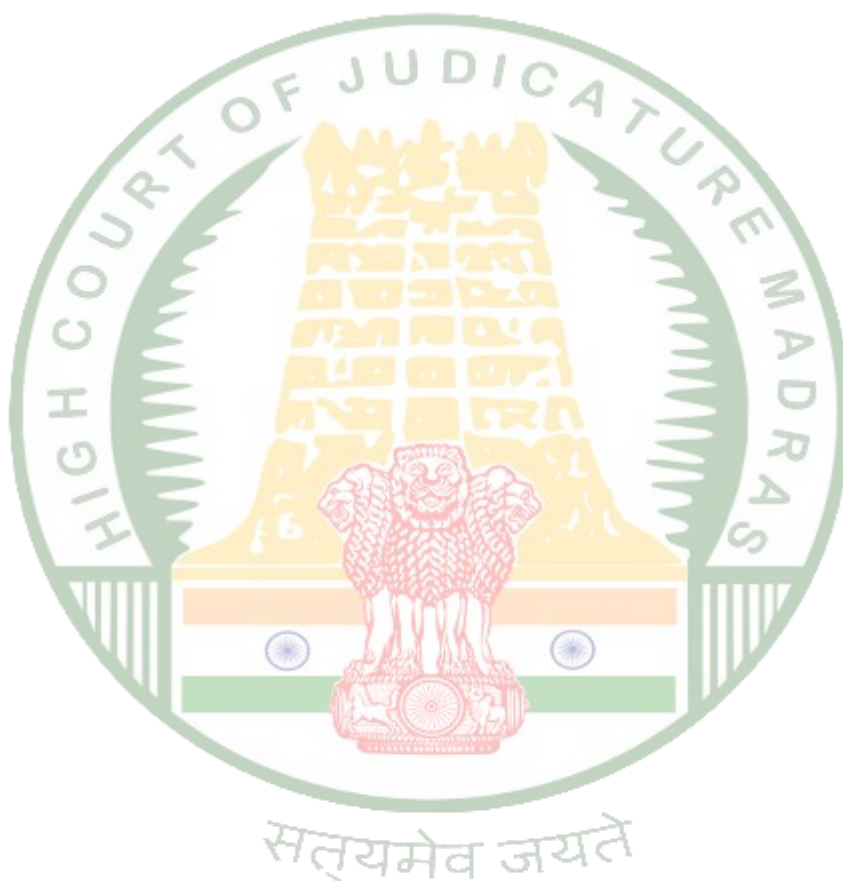
2. The Chief Executive,
The Perumbalur Sugar Mills Limited,
Eraiyur Village, Perambalur District.

1 cc to Mr.R.Bala Ramesh, Advocate, Sr. 36864

1 cc to M/s.RRN. Legal, Advocate, Sr. 36853

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