

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.2797 of 2015

And

M.P.No.1 of 2015

M/s.Black Cats Security and Man Power
Consultancy Services
Rep. by its Managing Partner
Mr.M.A.Shanmugam, Salem. Petitioner

Vs.

- 1.The Secretary to the Government,
(Health Department) and Project Director,
Tamil Nadu Health Systems Project,
III Floor, DMS Annex,
Teynampet,
Chennai - 600 006.
- 2.The Director of Medical Education,
Kilpauk, Chennai - 600 010.
- 3.The Dean,
Govt. Mohan Kumaramangalam
Medical College and Hospital,
Salem - 1. Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to clear the Bill for the security service provided to the Hospital of the 3rd respondent in between November 2013 and September 2014 to a total sum of Rs.38,30,499/- based on the representation of the petitioner dated 09.10.2014.

For Petitioner : Mr.C.K.M.Appaji

For Respondents: Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

Heard Mr.C.K.M.Appaji, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents.

2.The petitioner is a manpower consultancy service and security service whose services were engaged by the respondent for providing security service in the third respondent Government Medical College and Hospital.

3.In this writ petition, the petitioner seeks for direction to the respondent to settle the bills for the security services provided to the Hospital between November 2013 and September 2014 being a total sum of Rs.38,30,499/- by considering their representation dated 09.10.2014.

4.Earlier, the petitioner approached this Court by filing two writ petitions in W.P.Nos.31687 and 30244 of 2013 challenging the order passed by the third respondent dated 14.11.2013 and to direct the respondents to strictly adhere with the terms of the tender for providing man power and security service to the third respondent Hospital by enabling the firm to supply man power for one year in respect of all 17 categories of posts mentioned in the tender. The said writ petitions were dismissed by common order dated 04.03.2014. Thereafter, the petitioner has submitted his representation requesting for payment for the services rendered by them.

5.As rightly pointed out by the learned Special Government Pleader, disputed money claims cannot be adjudicated in a writ petition and the petitioner has to either work out his remedies as per the agreement entered into by the petitioner and the third respondent or resort to common law remedy. However, if there is any un-disputed amount, that can always be released subject to proper verification.

6.In the light of the above, without going into the merits of the petitioner's contention, there will be a direction to the third respondent to consider the petitioner's representation dated 09.10.2014 which has been addressed to the first respondent with copy marked to the third respondent and shall pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

7.This writ petition is disposed of with the above observation.
No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to the Government,
(Health Department) and Project Director,
Tamil Nadu Health Systems Project,
III Floor, DMS Annex,
Teynampet,
Chennai - 600 006.

2.The Director of Medical Education,
Kilpauk, Chennai - 600 010.

3.The Dean,
Govt. Mohan Kumaramangalam
Medical College and Hospital,
Salem - 1.

+ 1 cc to Mr.C.K.M.Appaji, Advocate SR.12743

+ 1 cc Government Pleader Sr.12186

(CO)
EU .03.2015

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