

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2019

CORAM

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.5384 of 2019

and

WMP.Nos.6120 & 6121 of 2019

Everwin Security Services Pvt. Ltd.,
Rep. by its Managing Director
C.Murugan

...Petitioner

Vs.

1.The Principal Commissioner of Customs
Chennai VII Commissionerate
New Customs House
Meenambakkam, Chennai-600 027.

2.The Deputy Chief Commissioner of Labour
Shastri Bhavan
Haddows Road,
Chennai-600 006.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent not to proceed with E-Tender for Outsourcing of Housekeeping services in Ref.F.No.S.Misc.10/2013(pt)-CHS-AIR dated 30.01.2019 and E-Tender for providing Security Services in Ref.F.No.S.Misc.04/2015(pt)-EDI/ACC-CHS-AIR dated 02.02.2019, without settlement of dues of Rs.7,94,532/- to the petitioner.

For Petitioner : Mr.R.Prabhakaran

O R D E R

The petitioner seeks for a mandamus directing the first respondent not to proceed with E-Tender for Outsourcing of Housekeeping services in Ref.F.No.S.Misc.10/2013(pt)-CHS-AIR dated 30.01.2019 and E-Tender for providing Security Services in Ref.F.No.S.Misc.04/2015(pt)-EDI/ACC-CHS-AIR dated 02.02.2019, without settlement of dues of Rs.7,94,532/- to the petitioner.

2. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

3. It is seen that the petitioner was awarded with contract for providing housekeeping services at New Customs House, Chennai, for the period from 01.10.2017 to 31.03.2018. Though it is contended by the learned counsel for the petitioner the the petitioner was permitted to carry on the work even beyond the contract period, admittedly, the contract given to the petitioner has not been extended by issuing any proceedings beyond 31.03.2018. Now, it is claimed by the petitioner that the first respondent owes some money to the petitioner towards the work already done by them. Therefore, the petitioner seeks to stall the E-Tender process for outsourcing of housekeeping service for fresh period.

4. I do not think that the petitioner is entitled to seek for such relief as a matter of right, merely, because the first respondent is due to the petitioner, even assuming that the claim of the petitioner is true. Needless to say that it is for the petitioner to work out their remedy to recover their due, if at all they are actually due, in the manner known to law and not by filing this writ petition, that too, with the prayer to prevent the first respondent from going for new E-Tender for outsourcing of housekeeping service. Therefore, I find no merits and bona fide in this writ petition. Accordingly, this writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Commissioner of Customs
Chennai VII Commissionerate
New Customs House
Meenambakkam, Chennai-600 027.

2.The Deputy Chief Commissioner of Labour
Shastri Bhavan, Haddows Road,
Chennai-600 006.

+1cc to Mr.R.Prabhakaran, Advocate, S.R.No.17865

W.P.No.5384 of 2019

AD(CO)
CS/28/02/2019