

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.28610 of 2018

and

WMP.No.33396 of 2018

S. Revathy

... Petitioner

Vs

1. The Principle Secretary to Govt.
Labour and Employment Dept.
Fort St. George
Chennai - 600 009.
2. The Director General
Employees' State Insurance
Corporation,
Panchdeep Bhawan- CIG Road
New Delhi - 110 002.
3. The Deputy Commissioner
Employees' State Insurance
Corporation,
Panchdeep Bhawan- CIG Road
New Delhi - 110 002.
4. The Director
Directorate of Medical & Rural
Health Services (ESI)
2nd Floor, DMS Campus
Teynampet, Chennai.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to take appropriate action as against the 4th respondent who failed to procure the medicine as per the demand made by the concern doctors of ESI Hospitals all over States by considering petitioner representation dated 11.09.2018 as well as following the G.O.Ms. No.5 and list of 2nd respondent for purchase of Ayurvedhic Drugs under the ESI Corporation Centralized Rate Contract No.AY-7 and pass such further orders.

For Petitioner : Mr. R. Marudhachalamurthy

For Respondent : Mr. M. Karthikeyan,
Addl. Government Pleader for R1 & R4

Mr.C. V. Ramachandra Moorthy
for R2 & 3

O R D E R

The prayer in the Writ Petition is to direct the 1st respondent to take appropriate action as against the 4th respondent who failed to procure the medicine as per the demand made by the concern doctors of ESI Hospitals all over States, following the G.O.Ms. No.5 and list of 2nd respondent for purchase of Ayurvedhic Drugs under the ESI Corporation Centralized Rate Contract No.AY-7.

2. The learned counsel for the petitioner would submit that the petitioner made a representation dated 11.09.2018 to the 1st respondent alleging against the 4th respondent, who failed to procure medicines as per the demand made by the concerned hospitals. No orders have been passed on the representation. Aggrieved by the same, the present writ petition has been filed before this Court, seeking the aforesaid prayer.

3. The learned counsel for the 2nd and 3rd respondents would submit that the allegations made in the representation are denied by the 4th respondent and the same is false. It is further submitted that if any direction is given by this Court to the 1st respondent to pass orders on the representation of the petitioner, an opportunity of hearing may be given to the 4th respondent.

4. The learned Additional Government Pleader would submit that if any representation of the petitioner is pending, the same would be considered as per law.

5. In view of the above submissions, considering the limited scope of prayer, without expressing any opinion on the merits of the case, the 1st respondent is directed to consider the representation of the petitioner dated 11.09.2018 and pass orders on merits and in accordance with law, after providing an opportunity to the parties concerned, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of, with the above direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-J)

//True copy//

Sub Assistant Registrar

avr

To

1. The Principle Secretary to Govt.
Labour and Employment Dept.
Fort St. George, Chennai - 600 009.
2. The Director General
Employees' State Insurance Corporation,
Panchdeep Bhawan- CIG Road
New Delhi - 110 002.
3. The Deputy Commissioner
Employees' State Insurance Corporation,
Panchdeep Bhawan- CIG Road
New Delhi - 110 002.
4. The Director
Directorate of Medical & Rural
Health Services (ESI)
2nd Floor, DMS Campus
Teynampet, Chennai.

+1cc to Mr.C.V.Ramachandramurthy, Advocate SR.No.10916

+1cc to Government Pleader SR.No.9763

WEB COPY

WP.No.28610 of 2018
and
WMP.No.33396 of 2018

GMV (05/03/2019)