



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2019

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No. 4150 of 2019 and
WMP(MD).No.3247 of 2019

P. Sethuraman : Petitioner

Vs.

1. The Secretary to Government,
Health and Family Welfare (S2) Department,
Fort. St. George,
Chennai - 9.

2.The Director (General),
Directorate of Medical Education,
Chennai - 6.

3.The District Collector,
Karur District,
Karur.

4.The Dean,
Government Medical College Hospital,
Karur.

.. Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th respondent to permit the petitioner to continue the supply the diet articles as per the contract dated 19.09.2018 to the Government Medical College Hospital, Karur pursuant to the representation dated 08.01.2019.

For Petitioner	: Mr.V. Ilanchezian
For Respondent	: Mr.M. Karuppasamy
	Government Advocate

O R D E R

Heard the learned counsel appearing on either side.

2. The petitioner submits that he is a approved Contractor for supply of diet / non diet articles to various Government institutions. The petitioner was awarded tender of Contract to supply the petition mentioned articles to the Government Medical



Hospital, Karur. The agreement was entered into between the petitioner and the fourth respondent on 19.09.2018. The said agreement is to be in force till 31.03.2019.

3. This Court posed a specific question to the Government Advocate as to whether the said agreement was terminated in the manner known to law. The learned Government Advocate on instructions submitted that the Writ Petitioner's agreement is yet to be terminated.

4. Though show cause notice was issued to the writ petitioner on 09.01.2019 and the petitioner also submitted his explanation on 11.01.2019, the agreement is yet to be terminated. The learned Government Advocate, however, claimed that another person has been appointed to supply the articles.

5. I am of the view that without terminating the petitioner's agreement, the respondents could not have appointed another person.

6. The learned counsel appearing for the petitioner on instructions submitted that the petitioner is ready to supply the goods from tomorrow onwards. Since the petitioner's contract is in force till 31.03.2019, the fourth respondent is directed to permit the petitioner to continue to supply the petition mentioned articles in terms of agreement dated 19.09.2018. Of course, the petitioner's contract will come to a close automatically on 31.03.2019.

7. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(cs-I)

/True Copy/

Sub Assistant Registrar

To

Health and Family Welfare (S2) Department,
Fort. St. George,
Chennai - 9.

2.The Director (General),
Directorate of Medical Education,
Chennai - 6.

3.The District Collector,
Karur District,
Karur.



4.The Dean,
Government Medical College Hospital,
Karur.

+1cc to Mr.V. Ilanchezian, Advocate, SR.No.53096

+1cc to Mr.M. Karuppasamy ,Advocate, SR.No.53156

+1cc to Special Government Pleader, SR.No.53257

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