

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.02.2020

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM
W.P.Nos.2227 to 2231 of 2017

P.ChinnasamyPetitioner in all the Writ petitions

Vs

The Managing Director,
The Tamil Nadu Handloom Weaver's
Co-operative Society Ltd.,
(CO-OPTEX)
No.350, Pantheon Road,
Egmore,
Chennai - 8.

..... Respondent in all the Writ petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent to consider the representation dated 21.09.2015 in accordance with law.

For Petitioner : Mr.C.D.Johnson

For Respondent : Mr.V.Srikanth

C O M M O N O R D E R

The Petitioner seeks for a direction to the respondent to consider the representation dated 21.09.2015 in and by which, the petitioner claims certain monies to be paid by them for the works done by the organization.

2.As rightly pointed out by the learned Counsel for the respondent that in terms of the agreement between the parties as per Clause 20, if any dispute arises in this agreement, such dispute should be referred to the Government of Tamil Nadu who is the arbitrator and the decision of the Government of Tamil Nadu should be final and binding on the parties. Therefore, without resorting to the said remedy, the petitioner cannot file a Writ petition. However, from the counter of the respondent, it is also seen that penalty has been levied and therefore, regarding the merits of the counter claims, this Court cannot adjudicate these questions.

3.Hence, this Writ petition is disposed of by directing the petitioner to file arbitration claims in terms of Clause 20 of the agreement within a period of two weeks before the respondent. If the same is filed before the respondent, the matter shall be referred to the Government of Tamil Nadu who is the appointing authority, shall appoint the arbitrator within a period of two weeks. The arbitrator shall follow the procedure and do the needful to pass the award within a period of eight weeks within the date on which the arbitration proceedings are concluded. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ay
To

The Managing Director,
The Tamil Nadu Handloom Weaver's
Co-operative Society Ltd.,
(CO-OPTEX)
No.350, Pantheon Road,
Egmore,
Chennai - 8.

+1cc to Mr.c.D.Johnson , Advocate SR.No. 17278

+1cc to Mr.v.Srikanth , Advocate SR.No. 17352

W.P.Nos.2227 to 2231 of 2017

A.SK(19/03/2020)

सत्यमेव जयते

WEB COPY