



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.373 OF 2022

M/s. D.V. Enterprises,
Represented by its Proprietor,
Dhanasingh Arvind,
No.74, Phoneix Basement floor,
Hennur Main Road,
Bangalore-560 043.

... Petitioner

Vs

1. The Regional Director, Regional Office,
Employees State Insurance Corporation,
No.143, Sterling Road,
Nungambakkam, Chennai-600 034.
2. The State Medical Commissioner,
Office of the State Medical Commissioner (Tamil Nadu)
Employee's State Insurance Corporation,
No.143, Sterling Road,
Nungambakkam, Chennai-630 034.
3. The Chairman,
Hospital Development Committee,
Medical and Rural Health Services (ESI) Department,
ESI Hospital, Ayanavaram,
Chennai-600 023.
4. The Executive Engineer,
ESI Corporation,
No.143, Steriling Road,
Nungambakkam, Chennai-600 034.
5. M/s. National Buildings Construction Corporation Ltd.,
Represented by its Project Manager,
ESIC Works, ESI Hospital,
Ayanavaram, Chennai-600 023.

...Respondents



PRAYER:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 4th respondent to dispose of the representation of the petitioner dated 12.02.2021 for payment of the pending bill amounts to the petitioner within a stipulated period.

For petitioner : Mr. T. Saravanan
For Respondents : Mr. K. Karthikeyan,
Government Advocate

ORDER

The present petition has been filed seeking a direction to the 4th respondent to dispose of the representation of the petitioner dated 12.02.2021 within the stipulated time.

2. Mr. K. Karthikeyan, Government Advocate takes notice to respondents

3. The case of the petitioner is that the petitioner is running a business in the name and style of M/s. D.V. Enterprises and doing contract works of building maintenance, house keeping etc. While being so, the 5th respondent Enterprises approached the petitioner's firm to complete the Additional work of Repairs and maintenance entrusted to them by the 3rd respondent. However, the petitioner's firm agreed to carry out the said work at the instance of the 5th respondent in the Employee's State Insurance Corporation (ESIC) Hospital, Ayanavaram as well as in the Doctor's Quarters and attached dispensaries at Avadi, Egmore etc and had completed the same without any work order or agreement, for which the petitioner's firm was issued a completion certificate by the concerned Hospital/ Dispensary, based on the said certificate, petitioner's firm had prepared a final bill and submitted to the 3rd respondent, pursuant to which the 3rd respondent made part payment of the bills and the remaining payment has not been paid till date.

4. Thereafter, a legal notice dated 01.10.2019 was sent to the respondents. On receipt of the same, the reply dated 23.10.2019 was sent by the 3rd respondent insisting the petitioner's firm to approach the 4th respondent. Once again, the petitioner's firm was asked to send a representation, pursuant to which the petitioner's firm had sent a representation dated 12.02.2021 with regard to the payment of pending bills.



However, till date, the same has not been considered by respondents 3 & 4. Hence, the present petition is filed seeking the above relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court, issues direction to the 4th respondent to dispose of the petitioner's representation dated 12.02.2021 for payment of the pending bill amounts to the petitioner, within the time frame fixed by this Court.

6. Learned Government Advocate appearing for the respondents submits that representation made by the petitioner will be considered and disposed in accordance with law within a period of four weeks.

7. In view of the submissions made by the learned counsel on the either side, this Court without going into the merits of the issue, directs the 4th respondent to consider the representation dated 12.02.2021 made by the petitioner and dispose of the same in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Regional Director, Regional Office,
Employees State Insurance Corporation,
No.143, Sterling Road,
Nungambakkam, Chennai-600 034.
2. The State Medical Commissioner,
Office of the State Medical Commissioner (Tamil Nadu)
Employee's State Insurance Corporation,
No.143, Sterling Road,
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WEB COPY

3. The Chairman,
Hospital Development Committee,
Medical and Rural Health Services (ESI) Department,
ESI Hospital, Ayanavaram,
Chennai-600 023.
4. The Executive Engineer,
ESI Corporation,
No.143, Steriling Road,
Nungambakkam, Chennai-600 034.
5. The Project Manager,
M/s. National Buildings Construction Corporation Ltd.,
ESIC Works, ESI Hospital,
Ayanavaram, Chennai-600 023.

+1cc to Mr.T.Saravanan, Advocate, SR.NO.2282
+1cc to Government Pleader, SR.NO.2726

W.P.NO.373 of 2022

SMI (CO)
PM/31/01/2022