



WEB COPY



W.P.No.10313 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.10313 of 2018

M/s.Kitco Ltd.,
Represented by its Authorized Signatory,
Mr.Jose Davis,
Having its office at:
Femith's Puthiya Road,
N.H.Bypass,
Vennala, Cochin – 682 028.

... Petitioner

Vs.

1.Union of India,
Represented by Ministry of Labour and Employment,
Rafi Marg, New Delhi – 110 001.

2.The Director (SDI),
Ministry of Skill Development & Entrepreneurship,
Shram Shakthi Bhawan,
Rafi Marg,
New Delhi – 110 001.

3.The Director,
Department of Employment and Training,
Government of Tamil Nadu,
Alandur Road, Guindy,
Chennai – 600 032.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to clear the admitted dues of Rs.20,92,025/- to the petitioner as per the letter of admittance dated 20.08.2015 sent by the second respondent to the third respondent.

For Petitioner : Mr.Anirudh Krishnan

For Respondents : Mr.G.Baskaran
CGSPC [R1 & R2]
Mr.S.John J.Raja Singh
Additional Government Pleader [R3]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the third respondent to clear the admitted dues of Rs.20,92,025/- to the petitioner as per the letter of admittance dated 20.08.2015 sent by the second respondent to the third respondent.

2. The case of the petitioner is that, in the year 2011, the first respondent launched the Skill Development Initiative Scheme (SDIS) with its Assessment Guidelines issued in order to create a framework with a sole purpose of creating competent, self reliant and employable population. Consequently, the second respondent issued the order No.DGET-2/4/2007-



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MES/IS (Vol.IV) for the approval of competent authority for empanelment of organizations as assessing bodies indicating names and sectors assigned to them under SDIS. The petitioner was one such assessing bodies. The first respondent revised the 2011 scheme vide the Operations Manual for Skill Development Initiative Scheme, 2014 (hereinafter called as “Revised Scheme”) with an objective of revising the processes, roles and responsibilities for all stakeholders. Under the revised scheme, the Assessing Body was not allowed to collect assessment fees either from Vocational Training Providers (in short 'VTPs’) or directly from persons coming in for assessment and could only be reimbursed by the concerned State Department which in the present case being the third respondent. Due to non-payment on the part of the third respondent regarding the Assessment fees due to the petitioner, the petitioner sent a letter to the second respondent. The second respondent admitting that certain amounts were due, directed the third respondent to clear the pending dues to the petitioner. Thereafter, several reminders were sent to both the respondents 2 and 3. However, the third respondent did not consider the same. Hence, the petitioner filed the above writ petition before this Court.



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3. The learned counsel for the petitioner submits that, already the second respondent forwarded the letter of admittance to the third respondent. However, the third respondent had not disbursed the admitted amount in favour of the petitioner, thereby, the present writ petition is filed. Hence, he submits that, it would suffice, if this Court issues a direction to the third respondent to disburse the admitted amount as forwarded by the second respondent, within a time frame that may be stipulated by this Court.

4. The learned Additional Government Pleader appearing for the third respondent submits that, a counter affidavit has been filed on behalf of the third respondent, in which, it has been submitted that, based on the claim bills and recommendation of the Regional Joint Director of Training, Chennai, the third respondent has settled the reimbursement cost to the petitioner Assessing Body for an amount of Rs.53,88,240/- out of Rs.64,82,108/- to be paid as per letter of admittance dated 20.08.2015. It has been further submitted that, only Rs.10,93,868/- has to be paid to the petitioner Assessing Body and out of Rs.20,92,025/- as contended by the petitioner. Due to the revision of reimbursement mechanism, remaining amount as per third respondent's bank statement could not be sanctioned as



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of now. Further, it has been submitted that, if the petitioner has submitted the proof viz., acknowledgment received from the VTPs to the candidates etc., the outstanding payment due to the petitioner Assessing Body will be considered. The delay is caused only on account of petitioner Assessing Body not providing requesting proofs for the claim of reimbursement of Training cost.

5. Heard the learned counsel appearing for the parties and perused the materials available on record.

6. In view of the submissions made in the counter affidavit filed by the third respondent, without going into the merits of the case, this Court directs the petitioner to produce the necessary acknowledgments and other relevant materials before the third respondent, within a period of two (2) weeks from the date of receipt of a copy of this order. On such production, the third respondent is directed to consider the same and pass appropriate orders within a period of four (4) weeks thereafter.



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7. With the above directions, this writ petition is disposed of. No costs.

01.09.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

- 1.The Ministry of Labour and Employment,
Union of India,
Rafi Marg, New Delhi – 110 001.
- 2.The Director (SDI),
Ministry of Skill Development & Entrepreneurship,
Shram Shakthi Bhawan,
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