



WEB COPY



WP.No.33586 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

WP.No.33586 of 2023 and
WMP.Nos.33394 of 2023 & 2842 of 2024

GA Digital Web Word Pvt. Ltd.,
Rep. by
Deepak Elango, S/o.Elango,
Sakthi Plaza,
No.32, Abriami Avenue, 1st Street,
Kaviarasu Kannadasan Nagar,
Chennai – 600 118.

... Petitioner

Vs

- 1.The Secretary
Ministry of Labour and Employment,
Shram Shakti Bhavan,
Rafi Marg, New Delhi – 110 001.
- 2.The Chief Executive Officer,
Government e-Market Place,
3rd Floor, Jeevan Bharti,
Connaught Ln, Janpath,
Connaught Place,
New Delhi – 110 001.
- 3.The Dean
ESIC Medical College and Hospital,
ESI Corporation,
KK Nagar, Chennai – 600 078.



WP.No.33586 of 2023

4.The Deputy Director,
ESIC Medical College and Hospital,
ESI Corporation,
KK Nagar, Chennai – 600 078.

5.BVG India Limited,
Midas Tower, 4th Floor, Phase – 1,
Hinjawadi Rajiv Gandhi Infotech Park,
Hinjawadi, Pune,
Maharashtra – 411 057

*(R5 suo motu impleaded vide order
dated 30.11.2023 in WP No.33586/2023)*

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus directing the respondents 3 and 4 to consider the grievance of the petitioner dated 20.11.2023 and reverse the disqualification and consequently direct the respondents to proceed with the “Run L1 Selection” process as contemplated by the GeM Guidelines in respect of the GeM Bid No. GEM/2023/B/3902490 dated 12.09.2023.

For Petitioner : Mr.A.K.Sriram, Senior Counsel
for Ms.R.Shase

For Respondents : Mr.V.Chandrasekaran (for R1 & R2)
Senior Panel Counsel

Mr.AR.L.Sundaresan, Senior Counsel
Assisted by
Mr.TNC.Kaushik, (for R3 & R4)
Standing Counsel

Mr.Suresh Ethiraj (for R5)

ORDER



WP.No.33586 of 2023

Read this order in continuation of and in conjunction with order dated 07.02.2024.

2.The respondents have filed an affidavit dated 18.06.2024 and paragraphs 5 and 6, being the operative portion, read thus:

'5.It is respectfully submitted that the tenure of the tender is 12 months covering a service period from 01.12.2023 to 30.11.2024. Out of the said tenure, a period of about 7 months have elapsed. Further, the requirement of Human Resource services has changed due to various contingencies like Annual General Transfer, increase of bed strength and expansion of services etc in the respondent Medical College & Hospital.

6.It is respectfully submitted that in consideration of overall administrative interest and to conclude the ongoing litigation on the GeM Bid No:GEM/2023/B/ 3902490 dated 12.09.2023 which is under challenge vide this writ petition, it is humbly prayed that the competent authority i.e 3rd Respondent may be permitted to go for a fresh tender as per the requirements envisaged and in the meanwhile 3rd Respondent may also be permitted to continue with the interim arrangement as directed vide the interim order dated 07.02.2024 until the new service provider is finalized through the fresh tender.'

3.This arrangement is acceptable to the petitioner as conveyed by Mr.A.K.Sriram, learned Senior Counsel, on instructions from the learned counsel on record for the petitioner. Hence, the concurrence of the petitioner to continue the arrangement for the present is recorded.

4.R3 is directed to initiate the process of tender afresh, and



WP.No.33586 of 2023

forthwith, and conclude the same within a period of three (3) months from today. The petitioner may also participate in the same, if it so desires. The present arrangement, as recorded under order dated 07.02.2024 shall continue for a period of three months from today or till conclusion/finalisation of the tender proposed afresh, whichever is earlier.

5. Recording the above, this writ petition and connected miscellaneous petitions are closed. No costs.

18.06.2024

vs

Index: Yes/No

Speaking order/Non-speaking order

Neutral citation: Yes/No

Note: Issue order copy on or before 20.06.2024.

To

1. The Secretary

Ministry of Labour and Employment,
Shram Shakti Bhavan,
Rafi Marg, New Delhi – 110 001.

2. The Chief Executive Officer,

Government e-Market Place,
3rd Floor, Jeevan Bharti,
Connaught Ln, Janpath, Connaught Place,
New Delhi – 110 001.

3. The Dean

ESIC Medical College and Hospital,
ESI Corporation,
KK Nagar, Chennai – 600 078.



WP.No.33586 of 2023

4. The Deputy Director,
ESIC Medical College and Hospital,
ESI Corporation,
KK Nagar, Chennai – 600 078.



WEB COPY



WP.No.33586 of 2023

DR.ANITA SUMANTH,J.

VS

WP.No.33586 of 2023
& WMP.Nos.33394 of 2023 & 2842 of 2024

18.06.2024