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W.P.No.35247 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.35247 of 2023

T.L.Nandagopal,
President,
G-Care Diabetic Council,
Gandhi Foundation,
No.33, Ganthipuram,
Thiruvallur Taluk And District - 602 001.

... Petitioner

Vs.

1. The Chief Secretary,
Chief Secretariat, Pudhuchery.

2. The Secretary,
Ministry Of Health Service,
Government Of Puducherry.

3. The Director,
Directorate Of Health Service,
Government Of Puducherry.

4. The Secretary,
Ministry Of Health And Family Welfare,
Government Of India,
New Delhi.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Mandamus, directing the respondents to



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consider the petitioner's representation dated 21.12.2022 and 02.12.2023 for sanctioning amount of Rs.6,79,14,000 /- for a part performance of the petitioner's service.

For Petitioner : Mr.S.Mahaveersshivaji

For Respondents : Mr.A.Tamilvanan,
Additional Govt. Pleader (Puducherry),
(for R1 to R3).

ORDER

The writ of mandamus has been instituted to direct the respondents to consider the petitioner's representation dated 21.12.2022 and 02.12.2023 for sanctioning amount of Rs.6,79,14,000/- for a part performance of the petitioner's service.

2. The dispute exist between the petitioner and the respondents regarding the payment of such claim by the petitioner. Such disputed facts relating to the Memorandum of Understanding (MOU) cannot be adjudicated by the High Court in a writ proceeding.

3. The learned Government Pleader (Puducherry), appearing on behalf of the respondents, brought to the notice of this Court that an arbitration clause has been agreed between the parties in the MOU.



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4. When the arbitration clause has been incorporated in the MOU, claims and disputes have to be resolved only through arbitration under the Act. Thus, the petitioner is at liberty to invoke the arbitration clause for the purpose of redressal of his grievances.

5. With these observations, the writ petition stands dismissed.
However, there shall be no order as to costs.

02.04.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

1. The Chief Secretary,
Chief Secretariat, Pudhuchery.
2. The Secretary,
Ministry Of Health Service,
Government Of Puducherry.
3. The Director,
Directorate Of Health Service,
Government Of Puducherry.
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S.M.SUBRAMANIAM. J.,

(sha)

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