

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.37306 and 37307 of 2004

S.Selvaraj .. Petitioner in W.P.No.37306 of 2004
M.Rangasamy ... Petitioner in W.P.No.37307 of 2004

vs.

1. Union of India,
rep. by the General Manager,
Southern Railways,
Park Town, Chennai - 3.
2. The Senior Divisional Engineer (Coordination),
Southern Railway,
Trichirappalli.
3. The Divisional Engineer/East/TPJ,
Southern Railways,
Trichirappalli.
4. The Assistant Divisional Engineer,
Southern Railways,
Thiruvarur. ... Respondents in both W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of writs of certiorarified mandamus, calling for the records of the 3rd respondent's impugned order vide Nos.T/W/148/908 and T/W/148/012, respectively, dated 25.11.2004 and quash the same, directing the respondents 1 to 4 herein from in any way stopping payment of petitioner's other Bills.

For Petitioner in both W.Ps. : Mr.G.Rajan

For Respondents in both W.Ps. : Mr.P.T.Ramkumar

C O M M O N O R D E R

Petitioners have come up with the present Writ Petitions seeking to quash the impugned orders, dated 25.11.2004 passed by the 3rd respondent herein and for a consequential direction to the respondents 1 to 4 herein from in any way stopping payment of their other Bills.

2. Heard the learned counsel on either side and perused the material documents available on record.

3. Today, learned counsel for the petitioners produced a copy of the order dated 03.04.2013 passed by this Court in W.P.No.8444 of 2013 and stated that the issue in question is covered by the said decision.

4. This Court had dismissed the said Writ Petition with liberty to the petitioner therein to invoke the arbitration clause and raise a dispute before the Arbitrator in terms of the contract entered into with the respondents/Railways.

5. In the case in hand, it is not in dispute that there is an Arbitration clause. But, the remedy to the petitioners herein lies only before the Arbitrator. The issue dealt with by this Court in the decision cited supra, was with regard to the default of supply made by the petitioner, whereas, in this case, it is with regard to the quality of ballasts supplied and the petitioners will have to work out their remedy only before the Arbitration Centre.

In view of the above discussion, these Writ Petitions are dismissed as not maintainable. No costs. Consequently, connected W.P.M.P.Nos.44765 and 44766 of 2004 are closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To:

1. The General Manager,
Union of India,
Southern Railways,
Park Town, Chennai - 3.
2. The Senior Divisional Engineer (Coordination),
Southern Railway, Trichirappalli.
3. The Divisional Engineer/East/TPJ,
Southern Railways, Trichirappalli.

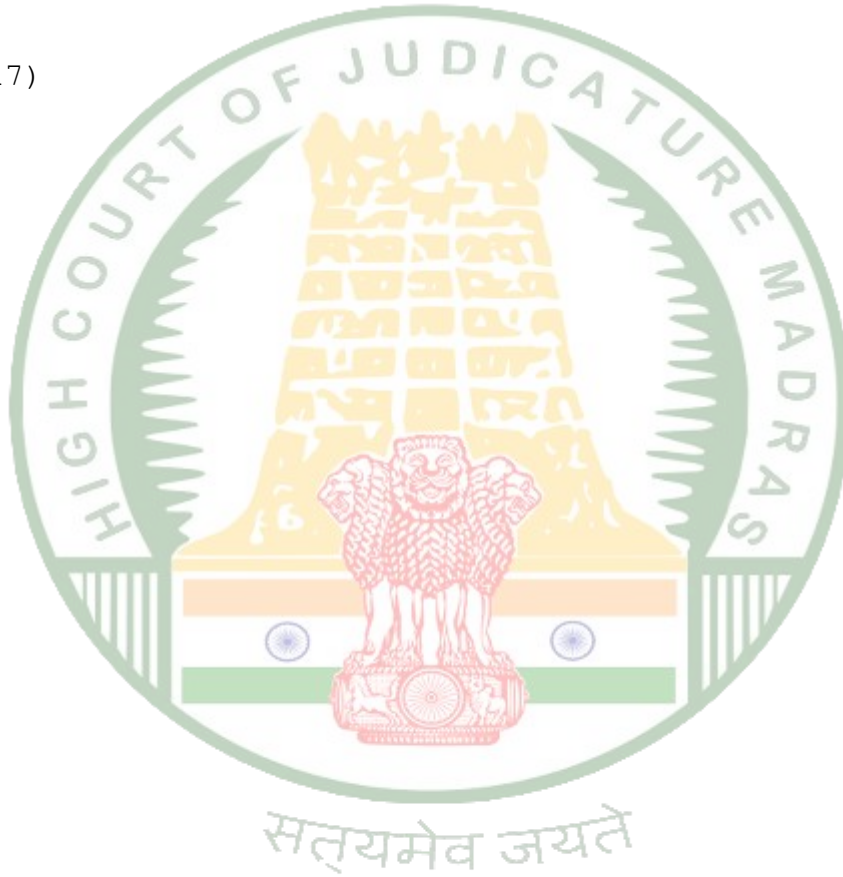
4. The Assistant Divisional Engineer,
Southern Railways, Thiruvavarur.

+1CC TO Mr.P.T.Ramkumar,Advocate sr.50925

+1cc to G.Rajan,Advocate sr.50230

W.P.Nos.37306 & 37307 of 2004

SSI (co)
SS (9/8/2017)



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