

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2018

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE  
AND

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.A.No.1673 of 2018

and

C.M.P.Nos.13438 and 13967 of 2018

- 1.The Divisional Railway Manager,  
Southern Railway,  
Salem Division,  
Salem-636 005.
  - 2.The Senior Divisional Mechanical Engineer,  
Southern Railway,  
Salem Division,  
Salem-636 005.
- ... Appellants/ Respondents

-vs-

M/s.Premier Garments Processing  
rep.by its Proprietor,  
Ibrahim Sha,  
No.29, Govindan Street,  
T.Nagar, Chennai-600 017. .... Respondent/ petitioner

Appeal filed under Clause 15 of Letters Patent,  
against the order passed by this Court in W.P.No.17914 of  
2018 dated 16.07.2018.

WP.NO.17914/18 Of 2018 dt.16/07/2018

Writ Petitions under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a WRIT OF MANDAMUS or any other appropriate writ, order or Direction, more particularly in the nature of writ of mandamus directing the Respondents herein to accept the Performance Guarantee No.004 GT02181730007 dated 22.6.2018 issued by HDFC Bank Limited, Salem and permit the Petitioner to continue with the work of Mechanized cleaning of En-route pass through Trains under CTS Scheme at Erode Railway Station pursuant to the Letter of Acceptance dated 13.3.2018 in / No.SA / M 271 / CTS / STN / ED /2018 of the 2nd Respondent.

For Appellants :: Mr.P.T.Ramkumar

For Respondent :: Mr.AR.L.Sundaresan, Sr.Counsel  
for Mrs.AL.Ganthimathi

#### JUDGMENT

(Delivered by THE HON'BLE ACTING CHIEF JUSTICE)

The matter is with regard to the contract relating to the work of mechanised cleaning of en-route pass through trains under CTS Scheme and mechanised house-keeping works at Erode Railway Station. A tender has been floated by the Southern Railways and the respondent herein was also issued a letter of acceptance on 13.03.2018 for the above works. Subsequently, the letter of acceptance was cancelled on 09.04.2018 due to administrative reasons. The respondent filed a writ petition before this Court in W.P.No.9723 of 2018 challenging the said cancellation, in which interim stay was granted on 23.04.2018 and the matter is pending. However, the authorities have not allowed the respondent to continue with the work as per the letter of acceptance. In these circumstances, the respondent filed a writ petition in W.P.No.17914 of 2018 accompanied by a petition for grant of interim direction, in which an order has been passed by this Court on 16.07.2018 permitting the respondent to carry out the work until further orders. Challenging the said interim order, the present appeal has been filed by the Department.

2.This Court, on considering the facts and circumstances of the case, granted an order of interim stay on 01.08.2018, staying the interim order passed by the learned single Judge on 16.07.2018.

3.We have heard the learned counsel for the appellants and the learned senior counsel appearing for the respondent.

4.This appeal has been filed only against the interim order passed by this Court. For the purpose of taking a decision in the matter, all the contentions have to be heard. This Court cannot hear the arguments on a piece-meal basis to arrive at a decision in respect of the order passed in the interim application. Hence, we direct the parties to appear before the learned single Judge by filing counter and pleadings on 13.08.2018 and we request the learned single Judge to dispose of the writ petition on merits within a period of two weeks. All the contentions are left open to the parties to be urged before the learned single Judge. Till the disposal of the writ petition, the matter shall not be precipitated.

5.With the above observation, the writ appeal and the connected miscellaneous petitions are disposed of. No costs.

Sd/-  
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

KM

To

- 1.The Divisional Railway Manager,  
Southern Railway,  
Salem Division,  
Salem-636 005.
- 2.The Senior Divisional Mechanical Engineer,  
Southern Railway,  
Salem Division,  
Salem-636 005.

+1 cc to mr.Mr.P.T.Ramkumar Advocate 55188

+1 cc to mr.Mr.AR.L.Sundaresan, Advocate 55185

W.A.No.1673 of 2018  
and

C.M.P.Nos.13438 and 13967 of 2018

Ad (CO)  
ASK (13/08/2018)

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