

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17588 of 2018

C.K.Umashankar

.. Petitioner

Vs.

1.The General Manager,
Central Southern Railway,
Chennai - 600 003.

2.The Senior Divisional Electrical Engineer,
Electrical Operation Branch,
Southern Railway, Chennai - 600 003.

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing respondents to consider and pass orders on the representation dated 25.06.2018 made by the petitioner with regard to the settlement amount of Rs.6,00,000/- (Rupees six lakhs only) towards maintenance of Running Room and Crew Lobby at Avadi towards Earnest Money Deposit, Performance Guarantee and towards Security Deposit to the petitioner in accordance with the "Letter of Acceptance" (LOA) M/ET/OP/29/I/327 dated 12.09.2017.

For Petitioner : Mr.R.Chandrasekaran

For Respondents : Mr.P.T.Ram Kumar

Standing Counsel (R1 & R2)

O R D E R

The learned counsel for the petitioner submitted that the 2nd respondent had issued Letter of Acceptance dated 12.09.2017 in favour of the petitioner's father late C.M.Krishnaswamy for the Maintenance of Running Room and Crew Lobby at Avadi for 730 days (Two years). After assignment of work, the maintenance of Running Room and Crew Lobby at Avadi, started from 27.09.2017. The petitioner has submitted a willingness certificate to do the work. However, on the basis of the Letter of Acceptance dated 12.09.2017 executed by the 2nd respondent, the petitioner along with his father, had employed labourers to carry out the work. But all of a sudden, the petitioner's father passed away on 27.12.2017. The petitioner's family members have given No Objection for the petitioner to carry out the contract. Hence, the petitioner availed loan from various sources and continued

the work of maintenance of Running Room and Crew Lobby at Avadi till 10.04.2018. The petitioner has also given his willingness on 18.01.2018 to execute works.

2.The learned counsel for the petitioner submitted that the 2nd respondent has to settle the amount towards the maintenance of Running Room and Crew Lobby at Avadi. In addition to the settlement towards maintenance, the 2nd respondent has to settle the Earnest Money Deposit, Performance Guarantee and Security Deposit, amounting to Rs.6,00,000/-. In view thereof, the petitioner had given a representation dated 25.06.2018 requesting the 2nd respondent to settle the amounts. As no response is forthcoming, the petitioner has filed this Writ Petition for a direction to the respondents to consider and pass orders on the representation dated 25.06.2018 made by the petitioner with regard to the settlement amount of Rs.6,00,000/- towards maintenance of Running Room and Crew Lobby at Avadi towards Earnest Money Deposit, Performance Guarantee and towards Security Deposit to the petitioner in accordance with the "Letter of Acceptance" dated 12.09.2017.

3.The learned standing counsel appearing for the respondents submitted that in similar circumstances, the petitioner had come to this Court by filing a Writ Petition in W.P.No.17204 of 2016 seeking for a direction to the respondents to consider and pass orders on his representation dated 21.12.2015 to settle an amount of Rs.3,00,000/- towards cleaning of wagons while taking for POH in the premises of Carriage & Wagon Works, Southern Railway, Ayanavaram. By order dated 24.06.2016, this Court directed the respondents to consider the petitioner's representation. Therefore, a similar direction be given in this Writ Petition also.

4.Since this Court, in W.P.No.17204 of 2016 on 20.04.2016, had already directed the respondents therein to consider the petitioner's representation dated 21.12.2015, there is no impediment to give a similar direction in the present Writ Petition. Hence, the 2nd respondent is directed to consider the petitioner's representation dated 25.06.2018 and pass appropriate orders on merits within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

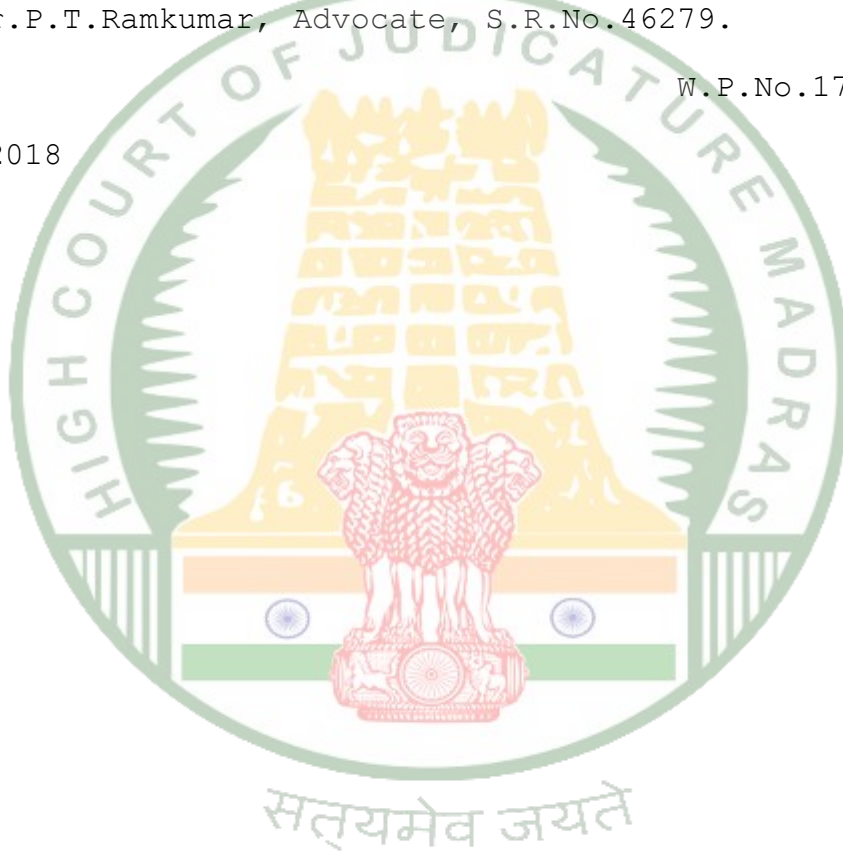
1. The General Manager,
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2. The Senior Divisional Electrical Engineer,
Electrical Operation Branch,
Southern Railway, Chennai - 600 003.

+lcc to Mr.R.Chandrasekaran, Advocate, S.R.No.46744

+lcc to Mr.P.T.Ramkumar, Advocate, S.R.No.46279.

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RJ (CO)
BM 26/07/2018



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