

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.06.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 15278 of 2019
and
W.M.P. No. 15275 of 2019

Thiru.S.Santhanamoorathi ... Petitioner

-vs-

1. The General Manager
Southern Railway
Poonamalee High Road
Chennai - 600 003.
2. The Senior Divisional Manager (Commercial)
Thiruchiraapalli Division, Southern Railway
Trichy - 620 001.
3. The Divisional Engineer
Virudhachalam Junction, Southern Railway
Virudhachalam, Cuddalore District 606 001.
4. The Commercial Inspector
Virudhachalam Junction
Southern Railway, Virudhachalam
Cuddalore District 606 001. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records of the Second Respondent herein culminating in letter of Termination of Contract dated 22.05.2019 bearing No.T/C.300/CPS/VRI and quash the same and direct the respondents to issue confirmation and work order to the Petitioner within the time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mr.G.J.Baskar Narayan

For Respondents : Mr.P.T.Ramkumar

O R D E R

This Writ Petition has been filed challenging the termination of contract by the Second Respondent by proceedings

No. T/C.300/CPS/VRI dated 22.05.2019 and to issue confirmation and work order to the Petitioner within a stipulated time.

2. As it was brought to the notice of this Court by the Learned Counsel for the Respondents that there is an arbitration clause in the contract between the parties, which remedy the Petitioner could avail for redressing his grievance, the Petitioner has filed affidavit dated 05.06.2019 agreeing to resort to the same, which is recorded.

3. Accordingly, this Court without expressing any view on the factual contentions of the parties of the matter, dismisses the Writ Petition with liberty to the Petitioner to resort to the effective alternative remedy by way of arbitration. It is also open to the respective parties to seek any interim relief before the proper forum under the provisions of the Arbitration and Conciliation Act, 1996. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

maya/vjt

Sub Assistant Registrar

To

1. The General Manager
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2. The Senior Divisional Manager (Commercial)
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Virudhachalam, Cuddalore District 606 001.
4. The Commercial Inspector
Virudhachalam Junction
Southern Railway, Virudhachalam.

+1 cc to Mr.G.J.Baskar Narayan, Advocate, S.R.No.45985

+1 cc to Mr.P.T.Ramkumar, Advocate, S.R.No.46413

W.P. No. 15278 of 2019

GJ-II (CO)
SSM(21/06/2019)