

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

CORAM

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

W.P. No. 27399 of 2019

M. Kannan

... Petitioner

-vs-

1. Southern Railway,
Headquarters Office, Park Town,
Chennai 600 003, represented by its General Manager.
2. The Chief Administrative Officer (Construction),
Southern Railway,
Egmore, Chennai 600 008.
3. The Deputy Chief Engineer (Construction) (PTJ),
Office of the Deputy Chief Engineer (Construction),
Podannur, Pincode 641 023.
4. Financial Advisor and Chief Accounts Officer,
Egmore, Chennai 600 008.
5. Board of Railways,
Rep. By its Chairman,
Rail Bhavan, 1, Raisina Road,
New Delhi 110 001. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Second Respondent to take action on the Petitioner's representation dated 07.08.2019, to take sanction from the First Respondent and disburse the amount due to the Petitioner within a time.

For Petitioner : Mr. K. Chockalingam

For Respondents: Mr. P.T. Ramkumar

O R D E R

Heard Mr. K. Chockalingam, Learned Counsel for the Petitioner and Mr. P.T. Ramkumar, Learned Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for a direction to the Second Respondent to take action on the representation dated 07.08.2019 made by the Petitioner and make payment of the amount due to him from the Respondents within a specified time limit.

3. Learned Standing Counsel appearing for the Respondents has produced a copy of the letter dated 01.10.2019 received by him from the Third Respondent, in which it has been stated as follows:

"The above work was awarded to Shri. M.Kannan, Railway Contractor to a value of Rs.2,29,99,809/- vide LOA Letter No. W.496/CN/PTJ/02/2015/03" dated 23.05.2015. Necessary Agreement also has been executed by the contractor vide Agreement No. DCE/CN/PTJ/10/2015 dated 01.08.2015. The said work has been carried out by the contractor and the payment also has been made to the contractor up to the CC bill No. CC/XVI/427/18 dated 19.04.2018 to a cumulative value of Rs.3,17,24,844/- as against the final value of Rs.4,30,88,726/- approximately.

As per the approval of CE/CN/W/MS, 12 items is Annexure B & C beyond 150% to 200% has been signified concurrence by Finance. Accordingly, CC bills have been passed.

The Final value of the Agreement is shown as above 150% of the agreement value. This requires the personal concurrence of Principal Finance Advisor and Chief Accounts Officer /Chennai and GM's personal sanction to-wards executed value beyond 150% of the over all agreement value.

For making payment to the contractor, there was a delay for obtaining the concurrence of PFA and GM's personal sanction for the variation of Agreement value exceeding 150%.

Now, GM/MAS has accorded sanction on 23.09.2019 for the excess operation of Agreement value of beyond 150% Accordingly, the payment due to the contractor is under process.

In view of the above, it is submitted that, the payment due to the contractor will be settled

at the earliest possible please."

The aforesaid submissions made on behalf of the Respondents is placed on record.

4. It shall be ensured by the Second to Fourth Respondents that the payments due by them to the Petitioner is expeditiously made under written acknowledgment and a report of the compliance in this regard is filed before the Registrar Judicial of this Court by 31.01.2020.

5. Accordingly, the Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

gsa/maya

To

1. The Registrar General
High Court, Madras.
2. The General Manager,
Southern Railway,
Headquarters Office, Park Town,
Chennai 600 003.
3. The Chief Administrative Officer (Construction),
Southern Railway,
Egmore, Chennai 600 008.
4. The Deputy Chief Engineer (Construction) (PTJ),
Office of the Deputy Chief Engineer (Construction),
Podannur, Pincode 641 023.
5. The Financial Advisor and Chief Accounts Officer,
Egmore, Chennai 600 008.
6. The Chairman,
Board of Railways,
Rail Bhavan, 1, Raisina Road,
New Delhi 110 001.

+1cc to Mr.K.Chokalingam , Advocate SR.No. 88489

+1cc to Mr.P.T.Ram Kumar, Advocate SR.No. 87650

W.P. No. 27399 of 2019

A.SK(31/10/2019)