

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Sixteenth day of October Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE P.D.AUDIKESAVALU

WMP No.29351 of 2019

IN WP.NO.29491 OF 2019

1 EXCEL ENGINEERING ENTERPRISES, [PETITIONER]
NO. 63, TAMARAIKULAM, ELAGIRI POST,
JOLARPETTAI, VELLORE DISTRICT, REP. BY ITS
PROPRIETOR G.KUMARESAN.

Vs

1 THE GENERAL MANAGER, [RESPONDENTS]
SOUTHERN RAILWAYS, PARK TOWN, CHENNAI 600003

2 THE ASSISTANT GENERAL MANAGER,
SOUTHERN RAILWAYS, PARK TOWN,
CHENNAI 600003

3 THE CHIEF ADMINISTRATIVE OFFICER,
CONSTRUCTION, SOUTHERN RAILWAY,
EGMORE, CHENNAI 600008

4 THE CHIEF ENGINEER/ S AND RB,
CONSTRUCTION, SOUTHERN RAILWAY, EGMORE,
CHENNAI - 8

5 S.JAYASANKER,
DEPUTY CHIEF ENGINEER, CONSTRUCTION,
SOUTHERN RAILWAY, TAMBARAM, CHENNAI - 45

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Stay of all further proceedings of E-Tender Viz. 1. NOTICE No. 33-CECNMS-19-20-TBM-CGL-15 dated 04.10.2019 and 2. NOTICE No. 34-CECNMS-19-20-TBM-CGL-16 dated 04.10.2019 on the file of the 4th respondent which was published in the English Daily News Paper The Hindu dated 07.10.2019 (IN WMP.NO.29351 OF 2019) pending disposal of the above writ petition NO.29491 OF 2019.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of S.DORAISWAMY, Advocate for the petitioner and of MR.P.T.RAMKUMAR, STANDING COUNSEL on behalf of the respondents the court made the following order:-

It is not possible to consider the claim of the Petitioner for staying the impugned order of termination on 26.09.2019 as its validity could be decided only in the Writ Petition. However, it is accepted by both sides that though the measurement of work done by the Petitioner had been fixed to take place on 09.10.2019 in the impugned order, the same had not been carried out.

2. The Respondent has filed affidavit dated 16.10.2019 stating that as the measurement of work done by the Petitioner has not yet been taken, the Respondents are willing to give further opportunity to the Petitioner and get the work completed as per procedure on 24.10.2019 and 25.10.2019. In view of the same, the Learned Counsel for the Petitioner states that the Petitioner or his authorized representative would be present at the site on the said dates for taking measurements and that the said exercise may be fully videographed at the cost to be borne by the Petitioner, which is accepted by the Respondents.

3. It is made clear that if the Petitioner or his authorized representative is not present on the said dates, it would not preclude the Respondents from proceeding further in this regard in accordance with law. The action taken for measuring the work done by the Petitioner shall be subject to the ultimate outcome of the Writ Petition.

4. Accordingly, the Miscellaneous Petition is disposed on the aforesaid terms.

-sd/-

16/10/2019

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE GENERAL MANAGER, सत्यमेव जयते
SOUTHERN RAILWAYS, PARK TOWN,
CHENNAI 600003

2 THE ASSISTANT GENERAL MANAGER,
SOUTHERN RAILWAYS, PARK TOWN, CHENNAI 600003

3 THE CHIEF ADMINISTRATIVE OFFICER,
CONSTRUCTION, SOUTHERN RAILWAY,
EGMORE, CHENNAI 600008

4 THE CHIEF ENGINEER/ S AND RB,
CONSTRUCTION, SOUTHERN RAILWAY, EGMORE,
CHENNAI - 8

C.C. to S.DORAISWAMY Advocate on payment of necessary charges
The Government Advocate, High Court, Madras - 104.

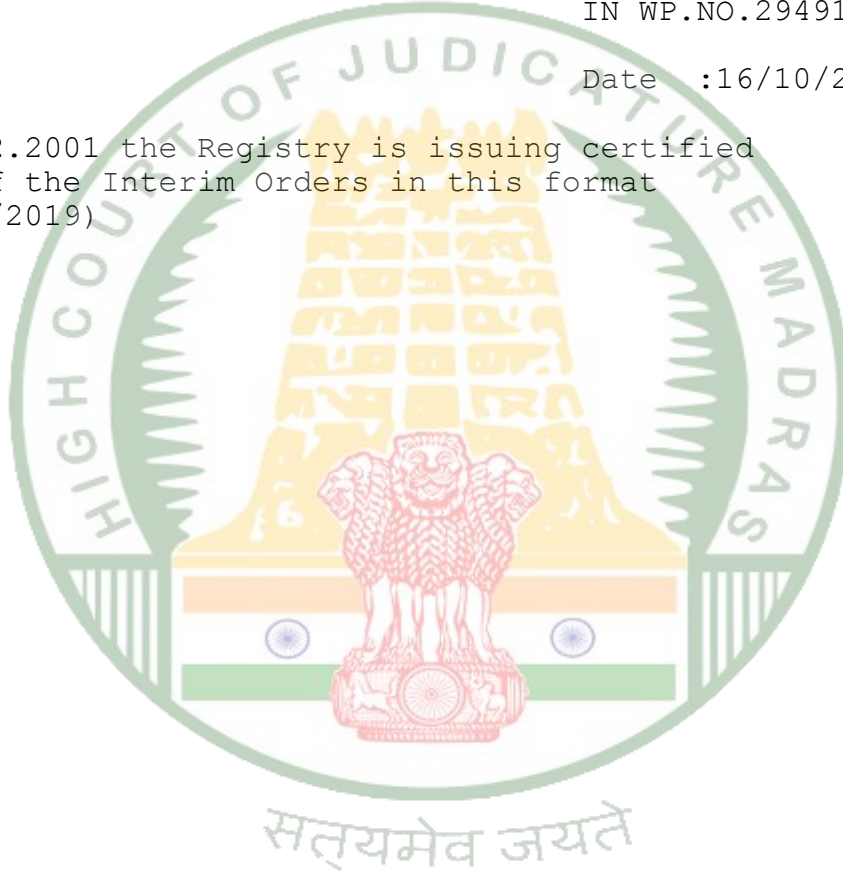
Order

in
WMP.29351/2019

IN WP.NO.29491 OF 2019

Date :16/10/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
VC (23/10/2019)



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