

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.28876 of 2019

Excel Engineering Enterprises,
No.63, Tamaraikulam,
Elagiri Post, Jolarpettai,
Vellore District, Rep. by its Proprietor,
G.Kumaresan.

.. Petitioner

..Vs..

- 1.The General Manager,
Southern Railways,
Park Town, Chennai 600 003.
- 2.The Chief Administrative Officer,
Construction, Southern Railway,
Egmore,
Chennai 600 008.
- 3.The Chief Engineer/S&RB,
Construction, Southern Railway,
Egmore,
Chennai 600 008.
- 4.The Deputy Chief Engineer,
Construction, Southern Railway,
Tambaram,
Chennai 600 045.
- 5.S.Jayasanker
- 6.N.Jayaraman
- 7.Finance Advisor & Chief Accounts Officer,
Southern Railways,
FA & CAO/CN/MS,
Construction, Southern Railway,
Egmore,
Chennai 600 008.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the Termination Notice in No.W.148/CN/TBM-CGL/Earth work dated 26.09.2019 on the file of the fourth respondent (passed by fifth respondent) quash the same.

For Petitioner : Mr.Sathish Kumar

For Respondents: Mr.P.T.Ramkumar

O R D E R

The learned counsel for the petitioner seeks permission of this Court to withdraw this writ petition. He has also made an endorsement to that effect which reads as follows:

"For the reasons stated in the affidavit filed today before this Hon'ble Court, the counsel for the petitioner may be permitted to withdraw the writ petition."

2.In the affidavit filed by Mr.G.Kumaresan, Proprietor of Excel Engineering Enterprises, it had been stated as follows:-

"4.In the meantime in the enquiry conducted within the Railways Department based on my complaint some of the officers have been transferred. Thereafter in the further enquiry, the third respondent herein had revoked the termination notice dated 26.09.2019 as illegal and confirmed that my tender work already allotted is continued vide his order dated 14.02.2020 (A copy of the order dated 14.02.2020 is annexed herewith as Annexure A-1). Further, the fourth respondent is directed to act accordingly as per the above stated order dated 14.02.2020. A communication letter was also furnished to me dated 18.02.2020 to approach the fourth respondent for further course of Action (A Copy of the communication letter dated 18.02.2020 is annexed herewith as Annexure A-2) Further the new tender has been discharged by the fourth respondent.

In view of the above stated change in circumstances, I humbly pray this Hon'ble Court may be pleased to accept the affidavit and permit the petitioner to withdraw the Writ Petition filed in W.P.No.28876 of 2019 and thus render justice."

3. In view of the averments made in the new affidavit, this Writ Petition is dismissed as withdrawn.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

tta
To

- 1.The General Manager,
Southerin Railways,
Park Town, Chennai 600 003.
- 2.The Chief Administrative Officer,
Construction, Southern Railway,
Egmore,
Chennai 600 008.
- 3.The Chief Engineer/S&RB,
Construction, Southern Railway,
Egmore,
Chennnai 600 008.
- 4.The Deputy Chief Engineer,
Construction, Southern Railway,
Tambaram,
Chennai 600 045.
- 5.Finance Advisor & Chief Accounts Officer,
Southern Railways,
FA & CAO/CN/MS,
Construction, Southern Railway,
Egmore,
Chennai 600 008.

+1 CC to Mr.P.T.Ramkumar, Advocate sr 15486.

W.P.No.28876 of 2019

PM(CO)
SP(22/05/2020)