

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE
AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD
W.A.Nos.3599 and 3638 of 2019
and CMP Nos.23139, 23141,23262, 23265,23267,
26072 and 26075 of 2019

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

... Appellant in both the appeals

-vs-

1. The General Manager,
Southern Railways,
Park Town, Chennai - 600 003.
2. The Assistant General Manager,
Southern Railways,
Park Town,
Chennai - 600 003.
3. The Chief Administrative Officer,
Construction, Southern Railway,
Egmore, Chennai - 600 008.
4. The Chief Engineer/S&RB,
Construction, Southern Railway,
Egmore, Chennai - 600 008.
5. S. Jayasanker,
Deputy Chief Engineer,
Construction, Southern Railway,
Tambaram,
Chennai - 600 045

... Respondents in W.A.No.3599 of 2019

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,
Deputy Chief Engineer,
Construction, Southern Railway,
Tambaram,
Chennai - 600 045.
6. N. Jayaraman,
Executive Engineer, (XEN),
Construction, Southern Railway,
Tambaram, Chennai - 600 045.
7. Finance Advisor & Chief Accounts Officer,
Southern Railways,
FA & CAO/CN/MS,
Construction, Southern Railway,
Egmore, Chennai - 600 008.
8. The Manager,
Syndicate Bank,
No.65, Chetty Street,
Thirupathur,
Vellore - 635 601.
9. The Assistant General Manager,
Southern Railways,
Park Town,
Chennai - 600 003

... Respondents in W.A.No.3638 of 2019

Writ Appeals filed under Clause 15 of Letters Patent against the order passed in W.M.P.No.29351 of 2019 in W.P.No.29491 of 2019 dated 16.10.2019 and W.M.P.No.28615 of 2019 in W.P.No.28876 of 2019 dated 01.10.2019.

Prayer in WMP 29351 of 2019 in W.P.No.29491 of 2019:

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 pending disposal of
the above Writ petition.

Writ Petition filed under Article 226 of the Constitution of
India, praying this Court to issue a Writ of Certiorarified
Mandamus calling for the records relating to the 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 quash the same and
direct the respondents to permit the petitioner to execute the
balance works as per extension dated 19/08/2019.

Prayer in WMP 28615 of 2019 in W.P.No.28876 of 2019:

To stay the operation of the Termination Notice in
No.W.148/CN/TBM/TBM-CGL/Earth work dated 26/09/2019 on the file
of the 4th respondent (passed by 5th Respondent) pending disposal
of the above writ petition.

Writ Petition filed under article 226 of the Constitution of
India, praying this Court to issue a Writ of Certiorari calling
for the records relating to the Termination Notice in
No.W.148/CN/TBM/TBM-CGL/Earth work dated 26/09/2019 on the file
of the 4th respondent (passed by 5th respondent) quash the same.

For appellant in : Mr.C. Manishankar
both the appeals Senior Counsel for
Mr.M. Sathish Kumar

For Respondents 1 to 4 : Mr.P.T. Ramkumar
in Standing Counsel
W.A.No.3599 of 2019

For Respondent No.5 in : Mr.Arun Anbumani
W.A.No.3599 of 2019

For Respondents 1 to : Mr.P.T. Ramkumar
4, 7 & 9 in Standing Counsel
W.A.No.3638/2019

For Respondents 5 & 6 : Mr.Arun Anbumani
in
W.A.No.3638/2019

COMMON JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. Learned counsel for the parties have agreed for final disposal of these two writ appeals.

3. We have passed an order on 03.01.2020, modifying the interim order dated 19.11.2019. We are satisfied that the modification of the interim order has served the purpose of both these appeals, which deserve to be disposed of on the said terms.

4. We accordingly, dispose of these two writ appeals with a direction that the future tendering process shall remain in abeyance subject to any order being passed by the learned Single Judge.

5. We further make the modified interim order dated 03.01.2020 absolute and dispose of these two appeals with a request to the learned Single Judge to take up the matter at the earliest in order to resolve the controversy.

6. We further clarify that the word "judgment" occurring in paragraph -3 of the Order dated 03.01.2020 shall stand substituted by the word "undertaking".

No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sr

To

1. The General Manager,
Southern Railways,
Park Town, Chennai - 600 003.

2. The Assistant General Manager,
Southern Railways,
Park Town,
Chennai - 600 003.

3. The Chief Administrative Officer,
Construction, Southern Railway,
Egmore, Chennai - 600 008.
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5. The Deputy Chief Engineer,
Construction, Southern Railway,
Tambaram,
Chennai - 600 045.
6. N. Jayaraman,
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No.65, Chetty Street,
Thirupathur,
Vellore - 635 601.
9. The Assistant General Manager,
Southern Railways,
Park Town,
Chennai - 600 003.

+2cc to Mr.P.T.Ramkumar, Advocate Sr.1994

+2cc to Mr.M.Sathish Kumar, Advocate Sr.1442, 1443

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srg 28/01/2020