



W.P.(MD)No.17826 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.17826 of 2021
and W.M.P.(MD)Nos.14693, 14695 and 14699 of 2021

Periyaraj

... Petitioner

Vs.

1. The Regional Officer,
National Highway Authority of India (NHAI),
2nd & 3rd Floor, Vijay Krishna Plaza,
No.1, Lake Area, Melur Main Road,
Madurai.
2. The Regional Officer,
National Highway Authority of India (NHAI),
Chennai.
3. The Project Director,
Project Implementation Unit (PIU),
Kancheepuram.
4. The Project Director,
National Highway Authority of India (NHAI),
Madurai.
5. Sterling Indo Tech Consultants,
Sterling Indo Tech Consultants P. Ltd,
No.601, Sunny Mart,
New Aatish Market, Mansarovar,
Jaipur-302020.



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6. M/s.MSV International, Inc, in association with
Saadhya Infra Solutions LLP,
Unit 514, 515 & 516,
5th Floor,
Suncity Success Tower,
Sector-65, Golf Course Extension Road,
Gurgaon,
Haryana-122005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the first respondent in vide No.NHAI/15011/10(A)/2021/RO Madurai/1668 dated 03.09.2021 and the consequential order passed by the third respondent vide No.NHAI/11012/23/2021/PIU Kanchee/2596 dated 06.09.2021 and may quash the same as erroneous order and may direct the respondents to permit the petitioner to hold the post of Team Leader for the operation and maintenance from KM.13/800 to KM.37/000 of Maduravoyal to Sriperambadur section of NH-4 and operation and maintenance from KM.28/000 to KM.121/000 of Tambaram to Tindivanam section of NH-45 in the State of Tamil Nadu under the sixth respondent within a stipulated period.

For Petitioner : Mr.A.Balakrishnan

For R1 to R4 : Mr.O.R.Gokul Abimanyu
for M/s.C.Arulvadivel Associates

For R5 & R6 : No appearance



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ORDER

The Writ Petition is directed against the order passed by the first respondent dated 03.09.2021 and the consequential order passed by the third respondent dated 06.09.2021.

2. It is not in dispute that the writ petitioner was appointed as a Senior Payment Expert by the fourth respondent in the project of forming four laning of Madurai to Natham National Highway (Madurai – Chettikulam) under Bharatmala Pariyojna Phase-I and that due to an accident occurred in the project, the first respondent has passed an order dated 03.09.2021 suspending the personnel of the Contractor and Authority Engineer including the writ petitioner herein and also directed that the said personnel shall not be engaged in any other projects of National Highways Authority of India till the completion of the investigation and further orders by the competent authority.

3. It is the specific case of the writ petitioner that he resigned his job of a Senior Payment Expert at National Highways Authority of India, Madurai Region on 04.09.2021 and while he was joining as a Team



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Leader in the fifth respondent company, he was informed about the order passed by the first respondent and also the order passed by the third respondent dated 06.09.2021 informing that the writ petitioner cannot join as a Team Leader in the fifth respondent company for the operation and maintenance of Maduravoyal to Sriperumbudur section of NH-4 and operation and maintenance of Tambaram to Tindivanam section of NH-45 for the said project and that the impugned order came to be passed without hearing the writ petitioner and in violation of principles of natural justice.

4. When the matter is taken up for hearing today, the learned counsel appearing for the respondents 1 to 4 would submit that both the above projects were already over and investigation has also been completed and report came to be submitted by the committee and as such, as of now, there is no order or direction not to engage the writ petitioner in the projects of National Highways Authority of India. Considering the above, as rightly contended by the learned counsel on either side, nothing survives for further adjudication.



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5. Recording the submission made by the learned counsel appearing for the respondents 1 to 4, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

05.06.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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K.MURALI SHANKAR, J

csn

Order made in
W.P.(MD)No.17826 of 2021
and
W.M.P.(MD)Nos.14693, 14695 and 14699 of 2021

Dated : 05.06.2024