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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of hearing and Order: 23rd November, 2011

\+ (1) W.P.(C) 8059/2011 & C.M.No. 18146/2011

SMT. SUMAN ..... Petitioner

Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents

Through: Mr.Joydeep Mazumdar, Advocate

\+ (2) W.P.(C) 8060/2011 & C.M.No. 18147/2011

NIRAJ KUMAR ..... Petitioner

Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents

Through: Mr.Joydeep Mazumdar, Advocate

\+ (3) W.P.(C) 8061/2011 & C.M.No. 18151/2011

SHIBLAL SINGH ..... Petitioner

Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents

Through: Mr.Joydeep Mazumdar, Advocate

\+ (4) W.P.(C) 8113/2011 & 18253/2011

BHARTI GUPTA ..... Petitioner

Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents

Through: Mr.Joydeep Mazumdar, Advocate

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+ (5) W.P.(C) 8114/2011 & 18255/2011

SHASHANK KUMAR GUPTA ..... Petitioner
Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents
Through: Mr.Joydeep Mazumdar, Advocate

+ (6) W.P.(C) 8115/2011 & C.M.No. 18257/2011

AKLAKH RAHIM KHAN ..... Petitioner
Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents
Through: Mr.Joydeep Mazumdar, Advocate

+ (7) W.P.(C) 7077/2011 & 16159/2011

VINEET KUMAR SHARMA ..... Petitioner
Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents
Through: Mr.Joydeep Mazumdar, Advocate

+ (8) W.P.(C) 7078/2011 & C.M.No. 16161/2011

TRILOCHAN SINGH BHATIA ..... Petitioner
Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents
Through: Mr.Joydeep Mazumdar, Advocate

+ (9) W.P.(C) 7079/2011 & C.M.No. 16163/2011

SUNITA KUMARI ..... Petitioner
Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents
Through: Mr.Joydeep Mazumdar, Advocate

+ (10)W.P.(C) 7080/2011 & C.M.No. 16165/2011

KULDEEP SINGH ..... Petitioner
Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents
Through: Mr.Joydeep Mazumdar, Advocate

+ (11)W.P.(C) 7634/2011 & C.M.No. 17293/2011

NEELMANI ..... Petitioner
Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents
Through: Mr.Joydeep Mazumdar, Advocate

+ (12)W.P.(C) 7635/2011 & C.M.No. 17295/2011

ZONGPON LEPCHA ..... Petitioner
Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents
Through: Mr.Joydeep Mazumdar, Advocate

+ (13) W.P.(C) 7636/2011 & C.M.No. 17297/2011

SMT.MUMTAZ ..... Petitioner
Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents
Through: Mr.Joydeep Mazumdar, Advocate

+ (14) W.P.(C) 7702/2011 & C.M.No. 17456/2011

SHIVA NAND ..... Petitioner
Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents
Through: Mr.Joydeep Mazumdar, Advocate

+ (15) W.P.(C) 7703/2011 & C.M.No. 17458/2011

ZURIP LAPCHA ..... Petitioner
Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents
Through: Mr.Joydeep Mazumdar, Advocate

+ (16) W.P.(C) 7704/2011 & C.M.No. 17460/2011

MAHINDER SINGH ..... Petitioner
Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents
Through: Mr.Joydeep Mazumdar, Advocate

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+ (17) W.P.(C) 7705/2011 & C.M.No. 17462/2011

VINOD KUMAR ..... Petitioner

Through: Mr.A.Maitri and Mr.Ajay Tejpal, Advocate

versus

UOI AND ORS ..... Respondents

Through: Mr.Joydeep Mazumdar, Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

1. Whether the Reporters of local papers may be allowed to see the judgment?
2. To be referred to Reporter or not?
3. Whether the judgment should be reported in the Digest?

No.

SUNIL GAUR, J. (Oral)

1. The relief sought in this bunch of 17 petitions is to direct the respondents to permit the petitioners who are running PCO Booth at the Railway Station to sell other miscellaneous items to properly earn their livelihood as the case put forth by the petitioners is that running of PCO booth is a losing proposition now a days with the wide-spread use of mobile phones and cordless phones, etc.

2. Petitioners claim that they are running the STD/ISD PCO booth since the year 1991 onwards and are earning their livelihood there-from and now a days it is becoming increasingly difficult to make both ends meet due to scant use of PCO booths and so they had made representation to respondents to permit the petitioners to sell other

miscellaneous items as well from their PCO booths. Few of the petitioners in this bunch of petitions are physical handicapped and their representation for permission to sell other items from the STD/PCO booths at the Railway Station was considered by the respondents and was rejected on 16.11.2011 by observing as under:-

> *"As per the existing policy guidelines, STD/PCO Booths are allotted for a specific purpose and booth holders cannot be permitted to undertake other activities. To sell additional items, multipurpose stalls are already available at the stations which provide better facility to passengers. Therefore, the request for selling additional items from these booths is not considered desirable.*

3. The fate of the representations of the petitioners under the general category, who are running STD/PCO booths at the Railway Station, has not yet been decided by the respondents.

4. Learned counsel for the petitioners draws attention of this court to the decision of the Apex Court in W.P.(C) No. 1699/1987 titled as ***Sudhir Madan & Ors vs. M.C.D. & Ors.,*** decided on 6.2.2007, wherein the issue of existing PCO Booths being allowed to switch over to other trade was considered and what was said by the Apex Court in the aforesaid decision is as under:-

> *"The existing PCO booths will also be allowed to switch over to other trades as the PCOs have become outdated due to inception or mobile phones/cordless phones."*

5. Learned counsel for the petitioners states that in view of the aforesaid dictum of the Apex Court the respondents are duty bound to permit the petitioners to switch over to other trades as running of PCO booths at the Railway stations is a losing proposition. At this stage, learned counsel for the respondents draws attention of this Court to a

Circular dt. 14.5.2004 of the respondents and in particular to clause 8.7 thereof, which stipulates that the maximum period for running of such booth is 10 years and it is stated that in most of the cases, the said period has already elapsed and by taking a humanitarian view extensions have been already granted in some cases and now, if any extension would be granted, the same would be in terms of the aforesaid Circular which holds the field as of today.

6. Be that as it may. The question of extension of license granted to petitioners or to other similarly placed PCO booth operators is not being considered in these petitions. What is being considered is whether in view of the rejection of 16th November, 2011 of the representation of some of the petitioners, who were physically handicapped, whether the respondents can be called upon to consider afresh the claim of the petitioners for switching over to other trades in terms of the dictum of the Apex Court as referred to above.

7. Learned counsel for the respondents states that as and when such representations are received from the petitioners, the same would be considered by affording a hearing to the petitioners and by passing of a speaking order thereon within four weeks from the date of receipt of such representations.

8. Learned counsel for the petitioners, on instructions states that the comprehensive representations would be made to the respondents within four weeks.

9. While leaving the question of extension of license to the PCO booth operators open, these writ petitions are disposed of with direction to the respondents that as and when the respondents receive representations from the petitioners for switching over to other trades for

the remaining license period, the same would be considered in view of the dictum of the Apex Court, as referred to above.

10. With aforesaid observations, these petitions as well as pending applications are disposed of with no orders as to costs.

11. A copy of this order be given dasti to counsel for both the sides.

(SUNIL GAUR)
JUDGE

NOVEMBER 23, 2011
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