

GAHC010016072014



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5143/2014

N.F. RAILWAY VENDING and CATERING CONTRACTORS ASSOCIATION,
LUMDING DIVISION, REP. BY ITS SECRETARY

VERSUS

THE UNION OF INDIA and 2 ORS
REP. BY THE GENERAL MANAGER, N.F. RAILWAY, MALIGAON,
GUWAHATI, ASSAM

2:ASSTT. COMMERCIAL MANAGER
NORTH EAST FRONTIER RAILWAY
GHY-01

3:DIVISIONAL COMMERCIAL MANAGER
NORTH EAST FRONTIER RAILWAY
GHY-0

Advocate for the Petitioner : MR.S DUTTA

Advocate for the Respondent : SC, NF RLY

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 24.01.2023

Heard Mr.T.H. Hazarika, the learned counsel appearing on behalf of the petitioner and Ms. S.P. Das, the learned counsel for the N.F. Railway.

The instant writ petition has been filed challenging the letters dated 18/9/2014. A perusal of the said communications all dated 18/9/2014 reveals that the Assistant Commercial Manager, Guwahati informed the various members of the Petitioners Association that their reply were unsatisfactory to run the stall at Guwahati Railway Station and the documents so submitted were not valid. However, an opportunity was further given to submit valid documents within 7 days from the date of receipt of the letter, failing which action would be initiated against the members of the Petitioner Association without making any other correspondences. It is the case of the petitioner that the members of the Petitioners Association have been running their vending units for a long period and as such the respondent authorities ought to renew their licenses so that they can continue vending from their units for which licenses were being issued. In other words, the case of the petitioners is that they should be granted the renewal of their licenses on the basis of the documents so submitted.

The learned counsel appearing on behalf of the respondents submits that at present there is a Commercial Circular No. 20/2017 of the Railways which does not permit renewal of licenses. In terms with the said Commercial Circular No. 20/2017 the vending units are allotted on the basis of open tender.

Taking into consideration the said aspect of the matter to the effect that the present policy decision of the Railways do not have a scheme for renewal, the writ which has been sought for to the effect that the members of the Petitioners Association should not be evicted in the garb of the order dated 18/9/2014 cannot be passed as the right to vend accrues upon the members of the Petitioners Association on the basis of the prevalent catering policy and the present Catering Policy of 2017 does not have the concept of renewal of licenses. Under such circumstances, this Court cannot issue a writ to allow the members of the Petitioner Association to continue their business of vending which would be contrary to the Catering Policy of 2017.

Under such circumstances, the instant writ petition being devoid of any merits stands dismissed.

The interim order dated 26/9/2014 stands vacated. The Respondent Railways are given the liberty to resort to such action as deemed fit in terms with the existing policy i.e. the Catering Policy of 2017.

JUDGE

Comparing Assistant