

Court No. - 3

Case :- WRIT - C No. - 10667 of 2023

Petitioner :- M/S Maa Vaishno Company, Thru. Proprietor Shiv Nath Singh

Respondent :- Union Of India, Ministry Of Railways, Thru. Secy. And Others

Counsel for Petitioner :- Satish Gulati, Prashant Kumar, Sarvesh Kumar Tiwari, Vineet Kumar

Counsel for Respondent :- A.S.G.I.

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Learned counsel for the petitioner prays for and is permitted to implead Shiv Nath Singh as petitioner no.2, in the array of parties.

Let necessary correction be carried out during course of the day.

Heard learned counsel for the petitioner and the learned D.S.G.I. assisted by Sri Varun Pandey, learned counsel for the respondents/Union of India.

Petitioner has approached this Court challenging the orders dated 14.04.2023 and 19.09.2023 whereby parking contract of the petitioner is cancelled.

A preliminary objection is raised by the learned D.S.G.I. that as per Clause 16.1 of the contract entered into between the parties, the petitioner has an effective alternative remedy of filing an appeal before the D.R.M. concerned.

Learned counsel for petitioner states that though the petitioner has made a detailed representation but he has not specifically challenged the cancellation order in the same.

In the given circumstances, petitioner is permitted to file an appeal before the respondent no.3/D.R.M., Northern Railway, Lucknow, against his cancellation order or any other punitive action taken against him.

In case such an appeal is filed by the petitioner within a period of ten days from today along with a certified copy of this order, the respondent no.3/D.R.M. Northern Railway, Lucknow, shall decide the same on merits in accordance with law by a reasoned

and speaking order within a period of four weeks from the date of receipt of appeal along with a certified copy of this order and provide a copy of the order also to the petitioner immediately thereafter.

With the aforesaid directions, the writ petition is **disposed of**.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 13.12.2023

Arjun/-