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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.1352 of 2015**

Anil Kumar Pandey S/o Late Bhagwat Prasad Pandey, Aged About 68 Years R/o Station Ward Bhatapara, Tahsil And P.S. Bhatapara, District Baloda Bazar-Bhatapara (Chhattisgarh)

---- Petitioner**Versus**

1. Senior Divisional Commercial Manager South Eastern Central Railway, Raipur (Chhattisgarh)
2. Divisional Commercial Manager, South Eastern Central Railway, Raipur (Chhattisgarh)
3. Divisional Railway Manager, South Eastern Central Railway, Raipur (Chhattisgarh)

---- Respondent

For Petitioner	:	Smt. Anju Ahuja, counsel for petitioner.
Respondents	:	Shri Abhishek Sinha, counsel for respondents.

Order On Board**24/08/2015**

Heard.

2. The petitioner had applied for transfer of his name in place of Kalindi Pandey, his deceased sister, who died on 28-05-2013. At that time, the license in favour of Late Kalindi Pandey was revived up to 20-07-2013. After her death, the petitioner had applied for transfer, but for various reasons, this transfer could not take place and the period of licence came to an end. Till then, the matter had remained pending before the respondent authorities and as an interim arrangement, the petitioner was allowed to run the canteen on provisional basis by accepting license fee in respect of subsequent period. The

petitioner was continued till 05-08-2013. Thereafter, the petitioner filed this petition seeking direction to allow the petitioner to run the tea stall and also to consider case for renewal of catering license. The petitioner has placed on record the order dated 14-07-2015 issued in the name of Late Kalindi Pandey that tea stall will run only up to 28-05-2013 with an advise to close the tea stall and thereafter, the tea stall has been closed.

3. Learned counsel for the respondents submits that the arrangement, under which, the petitioner was allowed to run the tea stall, were provisional in nature, because, now under the existing policy, he can be granted license only in accordance with the procedure of tender. He submits that the provisional arrangement has been brought to an end and now the respondents have taken a decision to issue tender notice inviting applications and then grant license to successful tenderer. He submits that the petitioner would be at liberty to participate in the tender process.

4. It is found that though, the petitioner was not having any license, on provisional basis, the petitioner was allowed to continue for the last two years. At this stage, closing of tea stall would adversely affect the facilities which are being extended to the traveling public. The station, on which, tea stall is stated to be operated for all these years, is on the main route. Learned counsel for the respondents submits that the tender proceedings have already been initiated. However, the respondents would be at liberty to proceed with the tender proceedings and complete it as expeditiously possible. The petitioner is also entitled to participate in the same. Considering that for the last two years, the petitioner was being allowed to run the tea stall and in the larger interest of traveling public, it would be proper to direct that purely as a temporary measure, for the time being, till tender is not being finalized, the petitioner be

allowed to run the tea stall subject to depositing license fee by the petitioner, as directed by the respondents, within a period of seven days from today. The petitioner will continue only up to finalization of tender process.

5. With this direction, the petition is finally disposed off. It is made clear that this provisional arrangement to run the tea stall shall not confer any right on the petitioner and award of license to run the tea stall will depend upon the outcome of the tender proceedings. The respondents shall allow tea stall to be opened within a period of seven days subject to depositing license fee by the petitioner as demanded by the respondents for the provisional period.

Sd/-
Manindra Mohan Shrivastava
Judge