

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10876 of 2013

Shambhu Panjiar Son Of Late Ganga Panjiar Resident Of Mohalla - Said Nagar (Kalighat), P.O. And P.S Laheriasarai, District - Darbhanga

.... .... Petitioner/s

Versus

1. The Union Of India Through Secretary, Railway, Rail Bhawan, New Delhi
2. General Manager, East Central Railways, Hazipur
3. Divisional Rail Manager (Commercial), East Central Railway, Samastipur
4. Divisional Commercial Manager, East Central Railway, Samastipur
5. Station Master, Laheriasarai Railway Station, Laheriasarai
6. Divisional Commercial Inspector, East Central Railway, Samastipur

.... .... Respondent/s

**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL JUDGMENT**  
**Date: 17-02-2016**

Heard Mr. Sanjeev Kumar for the petitioner and Mr. V.K. Sinha for the respondent-ECR.

Relying on the Catering Policy formulated by the respondent-ECR in the year 2010 vide Clause 21, a claim has been raised by the petitioner for transfer of the vending licence to him after the death of his father who was indisputably/undeniably holding the vending licence valid till 2005. It is stated that the father or the petitioner continued to vend the articles/fruits permitted under the licence even on expiry of period thereof until he died on 30.11.2009. The petitioner, being the son, is entitled to renewal of licence and/or grant of a fresh one.

Mr. Sinha, conversely, referring to the averments made in the counter affidavit, has submitted that from Annexure-A thereto it would appear that at the time when the father of the petitioner died he had no valid licence. The requisites fee in full was not deposited and the documents placed for entering into an agreement between the parties was also not furnished. In such circumstances, the

petitioner may not claim the privilege under Clause 21 of the Catering Policy of the respondent-ECR.

On a consideration of the rival submissions of the parties and after going through the materials on records it does appear to the Court that the date on which the father of the petitioner died he had no valid vending licence in his favour. The petitioner in these circumstances may not be entitled to transfer of licence and/or renewal of vending licence as a matter of right referring to Clause 21 of the Catering Policy 2010. However, if the respondent-ECR needs any further vending licence to be issued the petitioner can always apply for grant of fresh licence which can be examined/considered by the respondent-ECR in accordance with law.

While declining the prayer, the writ application is disposed of permitting the petitioner to file a fresh application for grant of vending licence before the appropriate/competent authority of the respondent-ECR for consideration and passing appropriate order in accordance with law considering the requirement to have more vendor(s) to sell fruits and articles at the station in question.

**(Kishore Kumar Mandal, J)**

HR/-

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