

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 376 OF 2016
IN
WRIT PETITION NO. 2668 OF 2008**

Ramvilas Bhadoria & Ors.

...Applicants / Orig.Respondents

VS.

Union of India through
The General Manager,
Central Railway & Ors.

....Respondents / Orig.Petitioners

Mr.Nitin A. Kulkarni for Applicants

Mr.T.J. Pandian for Respondents / Orig. Petitioners.

CORAM : S.C. GUPTE, J.

13 JUNE 2016

P.C. :

This civil application seeks a direction against the Respondents not to prevent the Applicants, who are original Respondents in the writ petition, from carrying on their work of vending food items at Pune Railway Station platforms. The Applicants rely on an order passed in this writ petition on 22 September 2008 directing that the Applicants be permitted to work on the same terms and conditions as they were working. The Applicants' case is that they have a right to sell food items on any of platform nos.1 to 6 of Pune Railway Station by virtue of this order. The Applicants also rely on another order passed by this court on 9 February 2009 on the earlier civil application filed by the Applicants in the present writ petition. Whilst setting out their grievance in the present civil application, the Applicants have produced a communication issued by the Applicants to the Respondents to the civil application *inter alia* complaining of demolition of stalls and thereby preventing the Applicants from vending food items on the same terms and conditions which were prevailing as of 22 September 2008. As far as demolition of stalls is concerned, this court has made it clear in its last order passed on the earlier civil application (order dated 9 February 2009) that the Applicants have no right to any particular stall. All that

they have is the right to sell food items on any of the platforms of Pune Railway Station.

2 The Respondents have filed an affidavit dated 25 April 2016 reiterating that the Applicants were never obstructed or prevented from discharging their work of selling food items on the platforms of Pune Railway Station by any officials of the Railways. It is submitted by the Respondents that there have been certain instances where the vendors of food items have refused to produce their identity so as to enable the Respondents' officials to ascertain whether or not they, the vendors, come within the protection ordered by this court. It is submitted that action has been taken only against such food vendors and not the others.

3 In view of this statement and a further statement made by learned Counsel for the Railways that the Applicants will not be prevented from vending food items on the platforms of Pune Railway Station, subject to their production of identity and satisfying the authorities that they come within the protection ordered by this court on 22 September 2008 and as reiterated on 9 February 2009. The statement is accepted. The civil application is disposed of accordingly.

(S.C. Gupte, J.)