

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.21794 of 2016 (O&M)
Date of Decision:-24.10.2016

M/s Doon Caterers

..... Petitioner

Vs.

Union of India and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.O. P. Hoshiarpuri, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner is a railway caterer licensee, who has prayed for a direction to the respondents to renew license of the Minor General Unit Stall No.76, Second Class Waiting Hall at Ludhiana Railway Station as per the catering policy of the year 2010 [for short 'the Policy']. It is mentioned in Clause 16.1.3 of the Policy that allotment of all General Minor Units at A, B & C category stations shall be awarded for a period of 5 years with a provision for renewal after every 3 years on satisfactory performance and payment of all dues and arrears and withdrawal of court cases, if any. Allotment of all General Minor Units at D, E & F category stations will be for a period of 5 years with a provision for renewal after every 5 years for a further period of 5 years on satisfactory performance and payment of all dues and arrears and withdrawal of Court cases, if any. Clause 17.1 of the Policy further provides that the satisfactory performance of the licensee

during the tenure of the contract and imposition of fine/warnings on more than 5 occasions will result in rejection of the application for renewal.

It has been found, as a matter of fact, that the petitioner has been awarded 7 punishments/warnings during the currency of contract which is definitely more than 5 occasions as provided in Clause 17.1 of the Policy.

The argument raised by the petitioner that the clause pertaining to fine/warning shall be considered for future renewal is totally misplaced as the prayer of the petitioner for renewal of the licence for three years, after the completion of 5 years, has to be considered in terms of Policy more particularly in terms of Clause 17.1 of the Policy and since the petitioner has suffered punishment for more than 5 time (7 times), therefore, the petitioner does not have any right to ask for renewal of license. Hence, the present petition is dismissed being devoid of any merit.

24.10.2016

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No