

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17674 of 2013

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1. Ram Shakhi Devi Wife Of Late Tapeswar Saw Resident Of Railway Station, Dehri-On-Sone, P.O.- Dalmianagar, District- Rohtas

.... Petitioner/s

Versus

1. The Union of India through General Manager, E.C. Railway, Hajipur Zone, Bihar

2. The Divisional Railway Manager, E.C. Railway Mugalsaray

3. The Senior Divisional Commercial Manager, E.C. Railway Mugalsaray

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Railways : Mr. Amresh Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

2 07-02-2017 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the Railways.

The present application has been filed for a direction to the respondent-Railways to add the name of sons in the vending stall licence by stating the same to be Ram Shakhi Devi and Sons instead of Ram Shakhi Devi (licence holder) who has now become very old and infirm and has been running her vending stall licence at platform Nos. 4 and 5 of the Dehri-on-Sone railway station.

Learned counsel for the petitioner submits that the petitioner made an application to add the name and Sons after her original licence which at present runs in the name of Ram Shakhi Devi so that her sons may be able to run the stall after her death and also presently, as she is an old and infirm lady. It has been submitted that the petitioner has been running vending stall vide licence No.



Cem/GV/Pan stall/Ds of 1991 in the name of Ram Shakhi Devi from 01.06.1990 onwards and is continuing till date.

As such, she had prayed for addition of the name of sons in her licence, but the Senior Divisional Commercial Manager, East Central Railway, Mughalsarai ignoring the case of the petitioner has proceeded to reject the same without any justifiable reason having been assigned to the same.

Learned counsel appearing on behalf of the Railways has filed a counter affidavit stating vide order dated 22.01.2013, the Senior Divisional Commercial Manager, East Central Railway, Mughalsarai has communicated to the petitioner that such an addition was not permissible as per the Railway Board Policy Decision No. 35 of the year 2010. As such, an application for adding the name and sons was not permissible.

Learned counsel for the petitioner, however, submits that the contention of the Railways is misconceived as per Catering Policy contained in Annexure-1 to the supplementary affidavit vide Clause 25 inclusion of son/wife/daughter in the licence has been permitted. The said clause is quoted hereunder for ready reference:-

“25. Inclusion of son/wife/daughter’s name in the

license:

In case of old age, disability, infirmity, etc.

Chief Commercial Manager of Zonal Railways/MD,



IRCTC, as the case may be, in exceptional cases only, may personally consider request of individual licensees for inclusion of the names of the names of their son/daughter/wife/husband in their license subject to his/her performance being satisfactory and also that no railway dues are pending against the licensee. Zonal railways or IRCTC should also ensure that son/daughter/wife/husband, whose name is proposed to be included in the license, does not hold any other catering/vending license anywhere on Indian Railways.”

After hearing learned counsel for the petitioner and learned counsel appearing on behalf of the Railways, it appears that the contention of the Railways is misconceived and that the name of the sons of the petitioner could well have been included subject to the conditions as contained in Clause 25 of the Policy which currently invoked.

Accordingly, it is directed that the petitioner shall make a fresh application before the Chief Commercial Manager of the concerned zonal railways/MD IRCTC and upon submission of such representation, the respondent-railways shall consider the case of the petitioner, and if found to be tenable and in accordance with the policy of the Railways, the Railways shall pass appropriate orders in this regard.

The said decision should be passed within three months from the date of receipt of the representation so made by the



petitioner.

With the aforementioned directions, the present application
stands disposed of.

(Anjana Mishra, J)

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