

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (PIL) No.77 of 2016**

1. Chhattisgarh Railway Commission Vendors Association An Association Registered Under Th Relevant Laws Bearing Registration No San.Ra.55/raipur, Acting In The Premises Thorough Its Secretary, Shri Pannalal Patel, S/o Late Lallu Prasad Patel Aged About 38 Years, Near Hanuman Mandir Machchi Talab Gudhiyari Raipur Chhattisgarh
2. Pannalal Patel, S/o Late Lallu Prasad Patel, Aged About 38 Years Secretary Chhattisgarh Railway Commission Vendors Association, Near Hanuman Mandir Machchi Talab Gudhiyari, Raipur Civil & Revenue District Raipur Chhattisgarh

**---- Petitioners****Versus**

1. Union Of India Through The Secretary, Ministry Of Railways, Rail Bhawan, New Delhi,
2. Indian Railway Catering & Tourism Corporation Ltd. A Company Of Government Of India Within Its Mmeaning Under The Companies Act 1956 Having Its Registered Office At 9th Floor, Bank Of Baroda Building Parliament Street New Delhi 110001
3. The General Manager, South East Central Railway Bilaspur Chhattisgarh
4. The Divisional Railway Manager, Divisional Office, Raipur Chhattisgarh

**---- Respondents**


---

For Appellants: Shri BP Sharma, Advocate.  
 For Respondents/Railways: Shri Abhishek Sinha, Standing Counsel.  
 Shri JK Gilda, Advocate General assists the Court.

---

**Hon'ble The Chief Justice****Hon'ble Shri Justice Sanjay Agrawal****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****07/12/2017**

1. We have heard learned Counsel for the Petitioners, learned Advocate General and the learned Counsel for the Respondents/Railways.
2. The first Petitioner claims to be an Association of Railway Commission Vendors and the second Petitioner claims to be the Secretary of that Association. What is instituted is a Writ Petition as a Public Interest Litigation.
3. The pleading projected by the Petitioners is that they represent the

interest of those who were working with different catering contractors serving the South East Central Railways and its commuters. They claim that though the contractors have left the scene of operation, the persons who had toiled day in and day out as workers under them are left in the lurch and they need to be provided with some ameliorative measures by granting them licenses to vend or carry out other activities, which would provide them avocation.

4. From the record, including the materials produced by the Petitioner, we see there were disputes between RK Agrawal & Sons as well as M/s Sunshine Caterers Private Limited, which had catering contract as against the Railways, which ultimately were dealt with even by authorities under the Employee's Provident Funds and Miscellaneous Provisions Act, 1952. The Writ Petition, in its logical end, is one which seeks a direction to the Railways to grant license to very many people who claim to have been working with either RK Agrawal & Sons or M/s Sunshine Caterers Private Limited .

5. The learned Counsel for the Petitioners making reference to the decision of the Hon'ble Supreme Court of India in Senior Divisional Commercial Manager, South Central Railways and Others vs. S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Association and Another (2016) 3 SCC 582 and the decision of the High Court of Calcutta in **Writ Petition No.2645(w) of 2016** Arjun Yadav (Prasad) & Ors vs. Union of India & Anr rendered relying on the aforesaid decision of the Apex Court, argued that on the scales of justice to the common man and to prevent them from state of poverty, the Court has the authority to tune the verdict in terms of Part IV of the Constitution and therefore, the guide lines among the Directive Principles of State Policy may be reckoned to issue such directions as may secure employment to the members of the first Petitioner.

6. For one thing, the decision of the Hon'ble Supreme Court referred to

above was rendered in a case which was instituted in the instance of an association of the licensees themselves and not the persons who claim to be merely employees of the licensees. Similarly, the decision of the Calcutta High Court was generated in a Writ Petition filed by 7 persons who were granted licenses and whose licenses were not being renewed by the Railways. We notice that, to distinguish those cases from the facts of the case in hand because it would be impermissible for the judiciary to issue any sweeping direction on the blanket assumption that the persons who were allegedly carrying out activities as employees of certain contractors should be given eligibility to take licenses on the strength of such prior activity. We cannot ignore that granting of licenses and the catering policy governing the Railways are matters of policy making by the Government and the Railways. That position, notwithstanding, we also do not see any individual right or collective right in the persons who were employed with the erstwhile contractors for any grant of licenses to carry out any activity, including vending, in the premises of the Railways or in the trains.

7. For the aforesaid reasons, we do not find any ground to entertain this matter either as Public Interest Litigation or as representative action. The reliefs sought in the Writ Petition are only to be rejected. We do so.

8. In the result, the instant Writ Petition is accordingly dismissed.

Sd/-  
(Thottathil B. Radhakrishnan)  
**CHIEF JUSTICE**

Sd/-  
(Sanjay Agrawal)  
**JUDGE**