



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.14716 of 2017

and

WMP (MD) Nos.11549 & 11550 of 2017

S.Nagarajan

... Petitioner

Vs.

1.The Senior Divisional Commercial Manager,
Divisional Office,
Commercial Branch,
Southern Railway,
Madurai.

2.The Divisional Commercial Manager,
Divisional Office,
Commercial Branch,
Southern Railway,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the proceedings of the Impugned Order in U/C.79/CBS/MDUPF.2&3, dated 04.08.17 on the file of the first Respondent and quash the same and further directing the Respondents to renew the contract of manning catering and bakery stall at Platform No.2 and 3 of Madurai Junction (S 04) for the period 2016-2019.

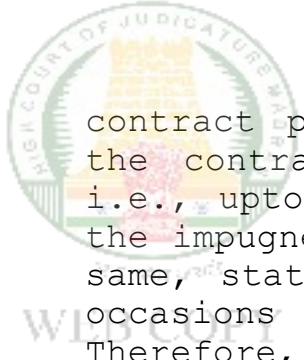
For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.A.Haja Mohideen

O R D E R

This writ petition has been filed, seeking to quash the impugned order, dated 04.08.17 passed by the first respondent, by which, the petitioner's request for renewal of licence came to be rejected.

2. According to the petitioner, he was granted licence to run a canteen in the Railway Station for five years, which already got expired in the month of July 2013 and therefore, the petitioner approached the authority concerned for extension of the



contract period on due renewal of licence. Subsequently, though the contract was extended for further period of three months, i.e., upto 31.03.2015, all of a sudden, the 1st respondent passed the impugned order dated 04.08.2017, thereby refusing to renew the same, stating that the petitioner suffered penalties for several occasions during the period between 07.08.2013 and 06.08.2016. Therefore, aggrieved by the same, the petitioner is before this Court with the above prayer.

3. Though several points have been urged by the petitioner in the affidavit filed in support of this petition to challenge the impugned order, the main ground canvassed is that the impugned order has been passed without giving an opportunity of hearing to the petitioner, thereby violating the principles of natural justice and therefore, according to the learned Counsel for the petitioner, on that sole ground, the impugned order is liable to be set aside.

4. The learned Counsel for the respondents would submit that the petitioner has not strictly complied with the conditions stipulated under the contract, as a result of which, he was imposed with penalties on eight occasions by the respondents and therefore, claims that the impugned order is perfectly valid in the eye of law and the same does not warrant any interference by this Court.

5. Heard the learned Counsel on either side.

6. This Court finds merit in the contention raised by the learned counsel for the respondents. It is the specific case of the respondents that those who have been imposed with penalties for more than five times are not entitled to automatic renewal of contract. It is not in dispute that the petitioner had undergone such imposition for eight times for poor maintenance of the stall, and therefore, this Court is of the view that there is no valid ground to interfere with the impugned order. However, in view of the statement made by the learned counsel for the respondents that there is no objection for the respondents in permitting the petitioner to participate in the future tender, this petition is disposed of, leaving it open to the petitioner to participate in the forthcoming tender. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AS)

/True Copy/



To

1.The Senior Divisional Commercial Manager,
Divisional Office,
Commercial Branch,
Southern Railway,
Madurai.

2.The Divisional Commercial Manager,
Divisional Office,
Commercial Branch,
Southern Railway,
Madurai.

+1cc to M/S.A.Haja Mohideen, Advocate SR.No. 86779

+1cc to M/S.G.Prabhu Rajadurai, Advocate SR.No. 87154

W.P (MD) No.14716 of 2017
13.11.2017

rm

JM/SKN RSK/SAR 1/28.11.2017/3P/5C