

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.694 of 2018

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1. Alok Kumar, Son of Sri Vijay Kumar Singh, Resident of Village & P.O. - Hisua, P.S. Hisua, District- Nawadah, PIN Code - 805129(Bihar).
2. Dilip Kumar Rai, Son of Jindeshwar Rai, Resident of Village- Boknari, P.O.- Pai Bigha, P.S. Makhdumpur, District- Jehanabad, PIN Code- 804424(Bihar).
..... Petitioners

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, P.O. Digghi Kala, P.S.- Hajipur, District- Vaishali at Hajipur (Bihar), Pin code- 844101
2. The Chief Commercial Manager, East Central Railway, Hajipur, P.O. - Digghi Kala, P.S.- Hajipur, District- Vaishali At Hajipur(Bihar), Pin Code- 844101
3. The Divisional Railway Manager, East Central Railway, Danapur, P.O.- Khagaul, P.S.- Danapur, Town & District- Patna , Pin code- 801105(Bihar).
4. The Senior Divisional Commercial Manager, East Central Railway, Danapur, P.O.- Khagaul, P.S.- Danapur, Town & District- Patna , Pin code- 801105(Bihar).
5. The Senior Divisional Financial Manager, East Central Railway, Danapur, P.O.- Khagaul, P.S.- Danapur, Town & District- Patna , Pin code- 801105(Bihar).
6. The Assistant Commercial Manager, East Central Railway, Danapur, P.O.- Khagaul, P.S.- Danapur, Town & District- Patna , Pin code- 801105(Bihar).
..... Respondents

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Appearance :

For the Petitioners : Mr. Munna Pd. Dixit
Mr. S.K. Dixit,
Mr. Sanjay Kr. Choudhary,
Mrs. Swastika,
Mr. Shailendra Kumar,
Mr. Sunil Kumar, Advocates
For the Respondents : Mr. Anil Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-02-2018

Heard learned counsel for the petitioners as well as learned counsel for the respondents.

2. The present writ petition has been filed for the following reliefs –

“(A) To issue an appropriate writ/order/direction in the nature of certiorari for quashing and setting aside



the Notice of termination of Station Ticket Booking Agent (STBA) Contract awarded to the Petitioners issued by the Respondent No. 4 on 01.01.2018 as contained in Annexure-6 whereby the Petitioners have been directed to stop Unreserved Ticket System (UTS) Ticketing Work of Tilaiya and Makhdumpur within 10 days after receipt of the Notice which is totally arbitrary, unjust and also contrary to the terms and conditions laid down in para 1.1, 1.2, 1.3, 1.4 & 5.0 of the Agreement No. Com/STBA/TIA/17 dated 28.06.2017 and 27.11.2017.

(B) To issue an appropriate writ declaring para-5.1 of the Agreement No. Com/STBA/TIA/17 dated 28.06.2017 and 27.11.2017 as contained in Annexure-5 Series and para-12 of the Terms & Conditions of Station Ticket Booking Agent (STBA) Notice No. Com./STBA-2/DNR/16-17 as contained in Annexure-1 as unjust, ultra virus, void, ab-initio wrong, contrary to the Article 21 of the Constitution of India, in violation of the law laid down by the Hon'ble Supreme Court of India in the case of Secretary cum Chief Engineer, Chandigarh V/s Hari Om Sharma & Others reported in 1998(5) SCC, Pg -87 and also in the case of State of Punjab V/s Dharampal reported in 2017(4) PLJR (SC) Pg. 46 wherein it has been held that such conditions incorporated in an undertaking is held to be contrary to the Public Policy as well as contrary to the Section 23 of the Indian Contract Act, 1872 and also contrary to the terms and conditions laid down in para-1.1, 1.2, 1.3, 1.4 & 5.0 of the said Agreement which prescribed the period of Contract for three years commencing from 22.06.2017 to 21.06.2020 and 15.09.2017 to 14.09.2020 respectively.



(C) To issue an appropriate writ/order/direction in the nature of mandamus commanding the Respondents to continue the contract of the Petitioners till its completion of three years i.e. from 22.06.2017 to 21.06.2020 and 15.09.2017 to 14.09.2020 respectively without any hindrance to secure the livelihood of the Petitioners and their family and also to save them from starvation.

(D) Any other relief or reliefs may be granted in favour of the Petitioners for which they are legally entitled too."

3. At the very outset learned counsel for the petitioners submits that it will suffice if the petitioners are permitted to approach the Chief Commercial Manager, East Central Railway, Hajipur (Respondent No. 2) with a fresh representation for redressal of their grievances raised in the present writ petition, in which event, the present writ petition need not be pressed on merits.

4. Learned counsel for the respondents appears and has been heard.

5. Having regard to the nature of the grievances and the stand of the petitioners, the present writ petition is disposed of granting liberty to the petitioners to file a fresh representation before the Chief Commercial Manager, East Central Railway, Hajipur (Respondent No. 2) for redressal of their grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of expeditiously and preferably within a further period of



eight weeks thereafter in accordance with law.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.02.2018
Transmission Date	N.A.

