



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2018

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.[MD]No.12539 of 2016

and

W.M.P.[MD]No.9486 of 2016

Perumal @ Raju

: Petitioner

Vs.

1.The Union of India,
Rep by the Secretary,
Ministry of Railways,
Government of India,
New Delhi.

2.Railway Board,
Rail Bhavan,
New Delhi.

3.The General Manager,
Commercial Division,
Southern Railway, Trichy.

4.The Sr. Divisional Commercial Manager,
Commercial Branch,
Southern Railway,
Trichy.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to quash the letter of the fourth respondent in No.T/C.14/STD/PCO/FAX.Booth/TJ16 dated 04.07.2016 and consequently direct the fourth respondent to consider the representation of the petitioner dated 05.05.2016.

For Petitioner : Mr.A.Arun Prasad

For Respondent No.1 : Mr.D.Saravanan
Standing Counsel

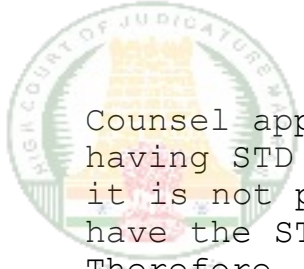
For Respondents 2 to 4 : Mr.S.Manohar
Standing Counsel

O R D E R

The petitioner is before this Court challenging the order passed by the fourth respondent dated 04.07.2016, for closure of the booth on the midnight of 20.07.2015, on expiry of the license period. The petitioner being the licensee of the STD booth located in Thanjavur Railway Station is aggrieved by the closure of the booth and therefore, he is before this Court challenging the closure dated 04.07.2016.

<https://hcservices.ecourts.gov.in/hcservices/>

2.When the matter is taken up for admission, the learned



Counsel appearing for the respondent would submit that the scheme of having STD booth has been scrapped by the respondents and therefore, it is not permissible for the respondents to allow the petitioner to have the STD booth after expiry of the license period on 20.07.2016. Therefore, he would submit that the issue has become infructuous in view of the scrapping of the scheme for providing STD booth in the railway station.

3.The learned Counsel for the petitioner would submit that the petitioner being visually challenged was depending on the income derived from the running of the STD booth and in view of the closure, his entire livelihood has been taken away. He would implore this Court to give an opportunity to give a representation to the respondent to grant any benefit available in any other form for eking out his livelihood in future.

4.Considering the passionate plea of the writ petitioner, this Court in the extraordinary circumstances of the case directs the petitioner to submit a representation claiming for conferment of benefit under any scheme available under the respondent which can provide employment source to the petitioner. The writ petitioner is directed to give a representation in this regard to the respondents within a period of one [1] week from the date of receipt of a copy of this order and on such representation being given to the competent authority, the competent authority is directed to dispose of the said representation by considering the claim of the petitioner sympathetically in view of the fact that the petitioner is a visually challenged person and he is solely dependent on the source of income which he derived from the running of the STD booth in the Thanjavur Railway Station, till 2016. The respondents are directed to pass orders after considering the claim of the petitioner within a period of four [4] weeks thereafter.

5.The writ petition stands disposed of, with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Secretary,
Union of India,
Rep by the Secretary,
Ministry of Railways,
Government of India,
New Delhi.



2. Railway Board,
Rail Bhavan,
New Delhi.

3. The General Manager,
Commercial Division,
Southern Railway, Trichy.

4. The Sr. Divisional Commercial Manager,
Commercial Branch,
Southern Railway,
Trichy.

+1CC TO MR.S.MANO HAR, ADVOCATE IN SR.NO.83267.
1CC TO MR.D.SARAVANAN, ADVOCATE IN SR.NO.82894.
+1CC TO MR.A.ARUN PRASAD, ADVOCATE IN SR.NO.82960.

MR
DS SV SAR-1 15.10.2018 3P/8C

ORDER MADE IN
W.P.[MD]No.12539 of 2016

07.09.2018